

1.0 **WORDS AND PHRASES DEFINED**

1.01.00 Words and phrases.

The following words and phrases when used in this code shall, for the purpose of this code, have the meanings respectively ascribed to them in this chapter. Whenever any word or phrase used in this code is not defined herein but is defined in Act No. 300 of the Public Acts of 1949, as amended, being §257.1 et seq. of the Michigan Compiled Laws, the definition therein shall be deemed to apply to the words and phrases used in this code.

1.20.05 **“Distracted Driving”** means the following:

1. The physical manipulation of any 2-way wireless electronic communication device used for dialing numbers; or scrolling; or typing or entering multiple letters, numbers, symbols, or other text; or the sending, receiving, and reading of any non-voice data in the device while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Troy. As used in this subsection, a wireless 2-way communication device does not include a global positioning or navigation system that is affixed to the motor vehicle.
2. The physical manipulation or handling of any wireless entertainment or electronic communication device for the purpose of speaking into, or listening to voice data, while the motor vehicle is in motion on any highway or street or place open to the general public within the City of Troy; or
3. Any action by the driver of a motor vehicle that diverts his or her attention resulting in the failure to use due care and caution in the safe operation of a motor vehicle while the vehicle is in motion on any highway or street or place open to the general public within the City of Troy. Such action can include but is not limited to: eating, reading, writing, performing personal hygiene/grooming, physical interaction with pets, passengers, or unsecured cargo, any of which is done in a manner that prohibits the driver from maintaining direct physical control of the motor vehicle steering mechanism with at least one hand that is free of all other objects and used entirely to form a controlled grip on the steering mechanism.

(07-12-2010)

1.02.00 **“Act”** means Act No. 300 of the Public Acts of 1949, as amended, being §257.1 et seq. of the Michigan Compiled Laws.

1.03.00 **“Alcoholic liquor”** means any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume which are fit for use for beverage purposes.

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- 1.04.00 "**Alley**" means a minor thoroughfare, opened to public use, for the purpose of ingress and egress to service adjacent buildings.
- 1.05.00 "**Ambulance**" means a privately or publicly owned motor vehicle for highway use which is specially designed or constructed and equipped, which is intended to be used for, and is maintained or operated for, the transportation of persons who are sick, injured, wounded, or otherwise incapacitated or helpless, including dual purpose police patrol cars and funeral coaches or hearses, and which is equipped according to section 7 of Act No. 258 of the Public Acts of 1968, as amended, being §257.1207 of the Michigan Compiled Laws.
- 1.06.00 "**Authorized emergency vehicle**" means a vehicle of the fire department, a police vehicle, an ambulance, a privately owned motor vehicle of a volunteer or paid fireman, or a privately owned motor vehicle of a volunteer ambulance driver or a licensed ambulance driver or attendant as is authorized by the department of state police.
- 1.07.00 "**Bicycle**" means a device on which a person may ride, which is propelled by human power, and which has either 2 or 3 wheels in a tandem or tricycle arrangement that are more than 14 inches in diameter.
- (Rev. 05-24-2004)
- 1.08.00 "**Bicycle lane**" means a portion of a street or highway which is adjacent to the roadway and which is established for the use of persons riding bicycles.
- 1.09.00 "**Bicycle path**" means a portion of a street or highway which is separated from the roadway by an open, unpaved space or by a barrier and which is established for the use of persons riding bicycles.
- 1.10.00 "**Bus**" means a motor vehicle which is designed to carry more than 10 passengers and which is used for the transportation of persons and also means a motor vehicle, other than a taxicab, which is designed and used for the transportation of persons for compensation. The term does not include a school bus or a bus that is equipped and used for living or camping purposes.
- 1.11.00 "**Bus stand**" or "bus stop" means a fixed area in the roadway, parallel and adjacent to the curb, to be occupied exclusively by buses for layover in operating schedules or by buses waiting for, loading, or unloading passengers.
- 1.12.00 "**Business district**" means the territory contiguous to a highway when 50% or more of the frontage thereon, for a distance of 300 feet or more, is occupied by buildings in use for business.
- 1.13.00 "**Civil infraction**" means an act or omission which is prohibited by law, which is not a crime as defined in section 5 of Act No. 328 of the Public Acts of 1931, as amended, being §75.05 of the Michigan Compiled Laws, and for which sanctions may be ordered.

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- 1.14.00 **"Civil infraction determination"** means a determination that a person is responsible for a civil infraction based on one of the following:
- a) An admission of responsibility for the civil infraction, or
 - b) An admission of responsibility for the civil infraction, "with explanation", or
 - c) A preponderance of the evidence at an informal hearing or formal hearing on the question under section 746 or 747 of the act, or
 - d) A default judgment for failing to appear as directed by a citation or other notice at a scheduled appearance under section 745(3) b) or 745(4) of the Act, at a scheduled informal hearing under section 746 of the Act, or at a scheduled formal hearing under section 747 of the Act.
- 1.15.00 **"Commercial vehicle"** means every motor vehicle which is used for the transportation of passengers for hire or which is constructed or used for the transportation of goods, wares, or merchandise. The term also means a motor vehicle which is designed and used for drawing other vehicles and which is not constructed to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.
- 1.16.00 **"Controlled substance"** means a controlled substance as defined by Act No. 196 of the Public Acts of 1971, as amended, being §335.301 et seq. of the Michigan Compiled Laws.
- 1.17.00 **"Conviction"** means a final conviction, the payment of a fine, a plea of guilty or *nolo contendere* if accepted by the court; or a finding of guilt or probate court order of disposition for a child found to be within the provisions of chapter XII of Act No. 288 of the Public Acts of 1939, (being sections 712A.1 to 712A.28 of the Michigan Compiled Laws), on a traffic law violation charge, regardless of whether the penalty is rebated or suspended.
- 1.18.00 **"Crosswalk"** means either of the following:
- a) That part of a roadway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable highway, or
 - b) A portion of a highway, at an intersection or elsewhere, which is distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- 1.19.00 **"Curb loading zone"** means a space which is adjacent to a curb and which is reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- 1.20.00 **"Department"** means the Department of State.

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- 1.21.00 **"Driver"** means every person who drives, or is in actual physical control of a vehicle.
- 1.21.05 **"Electric personal assistive mobility device"** means a self-balancing, non-tandem two-wheel device designed to transport only one person at a time, having an electrical propulsion system with an average power of 750 watts or one horsepower at maximum speed on a paved level surface of not more than 15 miles per hour.
- (05-24-2004)
- 1.22.00 **"Explosives"** means any chemical compound or mechanical mixture which is commonly used, or intended to be used, for producing an explosion and which contains an oxidizing and combustive unit or other ingredient in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture might cause such a sudden generation of highly heated gases that the resultant gaseous pressures would be capable of producing destructible effects on contiguous objects or of destroying life or limb.
- 1.23.00 **"Farm tractor"** means every motor vehicle that is designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.
- 1.24.00 **"Flammable liquid"** means any liquid that has a flash point of 70 degrees Fahrenheit or less, as determined by a tagliabue or equivalent closed-cup test device.
- 1.25.00 **"Freight curb loading zone"** means a space which is adjacent to a curb and which is provided for the exclusive use of vehicles during the loading or unloading of freight.
- 1.26.00 **"Governmental unit"** means an incorporated city, an incorporated village, or a township.
- 1.27.00 **"Gross weight"** means the weight of a vehicle without load plus the weight of a load.
- 1.28.00 **"Handicapper"** means a person who has a physical characteristic categorized as a handicap which limits ambulation or which necessitates the use of a wheelchair for mobility. The term also means a person who is blind.
- 1.29.00 **"Implement of husbandry"** means every vehicle which is designed for agricultural purposes and which is used exclusively in agricultural operations. The transportation in a trailer of seeds, fertilizers, or sprays, which will be used to plant, fertilize, or spray, between a place of storage or supply and farms is an agricultural operation.
- 1.30.00 **"Intersection"** means either of the following:

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- a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of 2 highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways that join at any other angle might come in conflict.
 - b) Where a highway includes 2 roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If such intersecting highway also includes 2 roadways 30 feet or more apart, then every crossing of 2 roadways of the highways shall be regarded as a separate intersection.
- 1.31.00 **"Laned roadway"** means a roadway that is divided into 2 or more clearly marked lanes for vehicular traffic.
- 1.32.00 **"Law of another state"** means a law or ordinance enacted by another state or by a local unit of government in another state.
- 1.33.00 **"Limited access highway"** means every highway, street, or roadway where owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority that has jurisdiction over such highway, street, or roadway.
- 1.34.00 **"Moped"** means a 2 or 3-wheeled vehicle with operable pedals which is equipped with a motor that does not exceed 50 cubic centimeters piston displacement, which produces 1.5 brake horsepower or less, and which cannot propel the vehicle at a speed of more than 25 miles per hour on a level surface.
- 1.35.00 **"Motorcycle"** means every motor vehicle which has a saddle or seat for the use of the rider and which is designed to travel on not more than 3 wheels in contact with the ground, but excludes a tractor.
- 1.36.00 **"Motor vehicle"** means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but which is not operated upon rails.
- 1.37.00 **"Official time standard"** means that hours named in this code mean hours of standard time or daylight saving time, whichever is in current use in this governmental unit.
- 1.38.00 **"Operator"** means every person who is in actual physical control of a motor vehicle on a highway.
- 1.38.05 **"Owner"** when referring to a motor vehicle, means any of the following: (1) any person, firm, association, or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period that is greater

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than 30 days, or (2) except as otherwise provided in 257. 401a of the Michigan Compiled Laws, a person who holds the legal title of a vehicle, or (3) a person who has the immediate right of possession of a vehicle under an installments sales contract.

- 1.39.00 **"Parking"** means standing a vehicle, whether occupied or not, upon a highway when not loading or unloading, except when making necessary repairs.
- 1.40.00 **"Passenger curb loading zone"** means a place which is adjacent to a curb and which is reserved for the exclusive use of vehicles during the loading or unloading of passengers.
- 1.41.00 **"Pedestrian"** means a person afoot.
- 1.42.00 **"Person"** means every person, firm, co-partnership, association, or corporation and its legal successors, but does not include the state, a political subdivision of the state, or an employee of the state operating within the scope of his or her duties.
- 1.43.00 **"Police officer"** means a sheriff or his or her deputies, a village marshal, an officer of the police department of a city, a village, a township, and an officer of the Michigan State Police.
- 1.44.00 **"Private driveway"** means a piece of privately owned and maintained property which is used for vehicular traffic, but which is not opened for or normally used by the public.
- 1.45.00 **"Private road"** means a privately owned and maintained road which allows access to more than one residence or place of business, which is normally open to the public, and on which persons other than the owners may travel.
- 1.46.00 **"Prosecuting attorney"** means the attorney general, the prosecuting attorney of a county, or the attorney representing a local unit of government.
- 1.47.00 **"Railroad"** means a carrier of persons or property on cars, other than street cars, which are operated on stationary rails.
- 1.48.00 **"Railroad train"** means a steam engine or electric or other motor, with or without coupled cars, which is operated on rails, but does not include a street car.
- 1.49.00 **"Residence district"** means the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.
- 1.50.00 **"Right-of-way"** means the privilege of the immediate use of a highway.

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- 1.51.00 **"Roadway"** means that portion of a highway which is improved, designed, or ordinarily used for vehicular travel. If a highway includes 2 or more separate roadways, the term "roadway" shall refer to a roadway separately and not to all such roadways collectively.
- 1.52.00 **"Safety zone"** means the area or space which is officially set apart within a roadway for the exclusive use of pedestrians and which is protected and so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- 1.53.00 **"School bus"** means every motor vehicle, except for a station wagon, with a manufacturer's rated seating capacity of 8 or more children which is owned by a public, private, or governmental agency and which is operated for the transportation of children to or from school. The term also means a motor vehicle, except for a station wagon, that is privately owned and operated for compensation for the transportation of children to or from school. The term does not include a bus that is operated by a municipally owned transportation system or by a common passenger carrier certificated by the public service commission.
- 1.54.00 **"School crossing"** means a crosswalk that is designated by the department of transportation, a county road commission, or a local authority as any place to be used by school children for crossing a street or highway.
- 1.55.00 **"School-crossing guard"** means a person who is 18 years of age or older and who is authorized to supervise children who use a school crossing as provided in section 613c of the Act.
- 1.56.00 **"Semi-trailer"** means every vehicle, with or without motive power, other than a pole-trailer, which is designed to carry persons or property and to be drawn by a motor vehicle and which is so constructed that some part of its weight and that of its load rests on, or is carried by, another vehicle.
- 1.57.00 **"Sidewalk"** means that portion of a street which is between the curb lines or the lateral lines of a roadway and the adjacent property lines and which is intended for the use of pedestrians.
- 1.58.00 **"Special mobile equipment"** means every vehicle which is not designed or used primarily for the transportation of persons or property and which is incidentally operated or moved over the highways, including, but not limited to: farm tractors, road construction or maintenance machinery, mobile office trailers, mobile tool shed trailers, mobile trailer units used for housing stationary construction equipment, ditch-digging apparatus, well-boring apparatus, and well-servicing apparatus.
- 1.59.00 **"Stand" or "standing"** means the hailing of a vehicle, other than for the purpose of and while actually engaged in, receiving or discharging passengers.

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- 1.59.05 **"Station wagon"** means a motor vehicle designed to carry not more than 10 passengers and built on a passenger vehicle chassis. This includes, but is not limited to, passenger vans, mini vans and sport utility vehicles.
- 1.60.00 **"Stop"** when required, means the complete cessation of movement.
- 1.61.00 **"Stop"** or **"stopping"**, when prohibited, means the halting, even momentarily, of a vehicle, whether occupied or not. The terms do not apply to the halting of a vehicle which is necessary to avoid conflict with other traffic or which is in compliance with the directions of a police officer or traffic-control sign or signal.
- 1.62.00 **"Street"** or **"highway"** means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- 1.63.00 **"Taxicab"** means a licensed public motor vehicle for hire which is designated and constructed to seat not more than 10 persons and which is operated as a common carrier on call or demand.
- 1.64.00 **"Taxicab stand"** means a fixed area in the roadway which is set aside for taxicabs to stand or wait for passengers.
- 1.65.00 **"Through highway"** means every state trunk line highway or any other highway at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same.
- 1.66.00 **"Tow-away zone"** means a zone where parking, stopping, or standing is not permitted, as indicated by proper signs, and where vehicles parked in violation of the signs are towed away to keep the roadway clear for traffic movement.
- 1.66.05 **"Toy vehicle"** means a device designed to be used by children upon which a child may ride that is propelled by human power or a motor and is capable of a maximum speed of 5 miles per hour.
- (05-24-2004)
- 1.67.00 **"Traffic"** means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances, either singly or together, while using a highway for purposes of travel.
- 1.68.00 **"Traffic-control devices"** means signs, signals, markings, and devices which are not inconsistent with this ordinance and which are placed or erected by authority of a public body or official who has jurisdiction for the purpose of regulation, warning, or guiding traffic.
- 1.69.00 **"Traffic-control order"** means an order which officially establishes the location of traffic-control devices and traffic-control signals on the highways of this state by the authority that has jurisdiction over such highways and which is filed with

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the county clerk of the county traversed by such highways. A certified copy of the order shall be prima facie evidence in all courts of the issuance of such order.

- 1.70.00 **"Traffic-control signal"** means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.
- 1.71.00 **"Traffic division"** means the traffic division of the police department of a city, a village, or a township, or, if a traffic division is not established, then the term shall be deemed to refer to the police department of the city, village, or township.
- 1.72.00 **"Trailer"** means every vehicle, with or without motive power, other than a pole-trailer, which is designed to carry property or persons and to be drawn by a motor vehicle and which is constructed so that no part of its weight rests upon the towing vehicle.
- 1.73.00 **"Trailer coach"** means every vehicle which is primarily designed and used as temporary living quarters for recreational, camping, or travel purposes and which is drawn by another vehicle.
- 1.74.00 **"U-turn"** means a turn made on a roadway or in an intersection by a vehicle for the purpose of reversing its direction of travel.
- 1.75.00 **"Vehicle"** means every device in, upon, or by which any person or property is or may be transported or drawn on a highway, except devices which are moved exclusively by human power or which are used exclusively on stationary rails or tracts and except for a mobile home as defined in section 2 of Act No. 419 of the Public Acts of 1976, as amended, being §125.1102 of the Michigan Compiled Laws.

(Rev. 09-22-2003)

2.0 **TRAFFIC ADMINISTRATION AND AUTHORITY**

- 2.1. **Police Department; Traffic Duties.** It is the duty of the chief of police and the officers of the police department to enforce the street traffic regulations of this governmental unit and all state vehicle laws which are applicable to street traffic in this governmental unit, to make arrests for certain traffic violations, to issue citations for civil infractions, to investigate accidents, to cooperate with the city traffic engineer and other officials of this governmental unit in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed by this code and other traffic ordinances of this governmental unit.
- 2.2. **Authority of Police Directing Traffic.** Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. However, in case of a fire or other emergency or to expedite traffic or safeguard pedestrians,

officers of the police department may direct traffic as conditions require, notwithstanding the provisions of the traffic laws.

2.3. **Authority of Firemen Directing Traffic.** Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic at the scene of the fire or in the immediate vicinity.

2.4. **Authority of Police to Inspect Vehicles.** A police officer is authorized, on reasonable grounds shown, to stop any motor vehicle and inspect the vehicle; and if any defects in equipment are found, the officer is authorized to cite the driver in the manner provided in this code, in case of an accident, a police officer may make an inspection of the vehicle involved in the accident.

2.5. **Impounding of Vehicles; Authority; Procedure; Public Sale.**

- 1) A police agency may immediately remove a vehicle from public property or any other place open to travel by the public and impound the vehicle in any of the following circumstances:
 - a) When a vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public.
 - b) When a vehicle is parked upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic.
 - c) When a vehicle is left unattended on a bridge, viaduct ' causeway, subway, tube, or tunnel where the vehicle constitutes an obstruction to traffic.
 - d) When a disabled vehicle on a street constitutes an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury, incapacitated and unable to provide for the vehicle's custody or removal.
 - e) When a vehicle is left unattended on a street and is parked in a manner which constitutes a definite hazard or obstruction to the normal movement of traffic.
 - f) When a vehicle is found being driven on the streets or highways in an unsafe condition which endangers persons or property.
 - g) When a vehicle is left continuously unattended on a street for more than 48 hours and may be presumed to be abandoned.
 - h) When the driver of the vehicle is taken into custody by the police department and the vehicle would thereby be left unattended on the street.

- i) When removal is 'necessary in the interest of public safety because of fire, flood, storm, snow, or other emergency reason.
 - j) When a vehicle is found parked in a tow-away zone which is designated by the traffic engineer and which is properly signposted.
 - 2) A police agency which impounds a vehicle under subsection (1) of this section shall do all of the following:
 - a) Check to determine if the vehicle has been reported stolen.
 - b) Within 24 hours after impounding the vehicle, enter the vehicle as impounded into the law enforcement information network.
 - c) Within 7 days, excluding Saturday, Sunday, and legal holidays, after impounding the vehicle,, send a notice that the vehicle has been impounded to the owner and the secured party; if any, by certified mail. Each notice shall contain all of the following information:
 - d) The year, make, and vehicle identification number of the vehicle.
 - i) The location from which the vehicle was taken into custody.
 - iii) The date on which the vehicle was taken into custody.
 - iv) The name and address of the police agency in whose custody the vehicle is being held.
 - v) The location where the vehicle is being held.
 - vi) The procedure to redeem the vehicle.
 - vii) The date by which the vehicle must be redeemed.
 - viii) That a procedure exists to contest the impoundment of the vehicle.
 - ix) A warning that the failure to redeem the vehicle or to contest the impoundment of the vehicle within 15 days after the date of this notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale or to both the vehicle and the proceeds.
- 3) If the owner does not contest the impoundment of the vehicle, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- 4) If the owner contests the impoundment of the vehicle, the matter shall be resolved after a hearing conducted in the district court, municipal court or

common pleas court of the City of Detroit. An owner who contests the impoundment of the vehicle may obtain release of the vehicle by posting a bond as determined by the court.

- 5) After the disposition of the hearing described in subsection (4) of this section and, if a hearing is not requested, not less than 15 days not more than 180 days after the date the notice described in subsection (2) c) of this section is sent, the police agency shall offer the vehicle for sale at a public sale unless the vehicle is redeemed.
- 6) A public sale shall be conducted in the following manner:
 - a) It shall be under the control of a police agency.
 - b) It shall be open to the public and consist of open auction bidding.
 - c) It shall be held not less than 5 days after public notice of the sale has been published.
 - d) The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was taken into custody. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale.
- 7) The money received from the public sale of the vehicle shall be applied in the following order of priority:
 - a) Towing and storage charges.
 - b) Expenses incurred by the police agency.
 - c) Remainder to the secured party, if any. If there is not a secured party, remainder to the owner. If the remainder of the money is not claimed by the secured party or owner within 30 days after the sale, it shall become the property of the unit of government that the police agency represents.
- 8) If there are no bidders on the vehicle, the police agency may do 1 of the following:
 - a) Turn the vehicle over to the towing firm to satisfy charges against the vehicle.
 - b) Obtain title to the vehicle for the police agency or the unit of government the police agency represents by doing both of the following:
 - i) Paying the towing and storage charges.

- ii) Applying for title to the vehicle.
- c) Hold another public sale pursuant to subsection (6) of this section.
- 9) Within 2 days, excluding Saturday, Sunday, and legal holidays, after the disposition of the vehicle the police agency shall do both of the following:
 - a) Notify the secretary of state of the disposition.
 - b) Cancel the entry into the law enforcement information network described in subsection (2) b) of this section.

2.5a.

“Abandoned Vehicle” Defined; Taking Abandoned Vehicles into Custody; Authority; Procedure; Public Sale.

- 1) As used in this section, "abandoned vehicle" means a vehicle which has remained on public property or any other place open to the public, including areas designated for parking, without the consent of the local police agency for a period of 48 hours after a police agency has affixed a written notice to the vehicle.
- 2) If a vehicle has remained on public property or any other place open to the public, including areas designated for parking, for a period of time so that it appears to the police agency to be abandoned, the police agency shall do both of the following:
 - a) Determine if the vehicle has been reported stolen.
 - b) Affix a written notice to the vehicle. The written notice shall contain all of the following information:
 - i) The date and time the notice was affixed.
 - ii) The name and address of the police agency taking the action.
 - iii) The name and badge number of the police officer affixing the notice.
 - iv) The date and time the vehicle may be taken into custody and stored at the owner's expense if the vehicle is not removed.
 - v) The year, make, and vehicle identification number of the vehicle.

(Rev. 01-22-2001)

- 3) If the vehicle is not removed within 48 hours after the date the notice was affixed, the vehicle shall be deemed abandoned, the owner is responsible

for a civil infraction, and the police agency may take the vehicle into custody.

- 4) A police agency which takes a vehicle into custody shall do all of the following:
 - a) Recheck to determine if the vehicle has been reported stolen.
 - b) Within 24 hours after taking the vehicle into custody, enter the vehicle as abandoned into the law enforcement information network.
 - c) Within 2 days, excluding Saturday, Sunday, and legal holidays, after taking the vehicle into custody, send a report of the abandoned vehicle to the secretary of state on a form prescribed by the secretary of state. The report shall contain all of the following information:
 - i) The year, make, and vehicle identification number.
 - ii) The body style.
 - iii) The registration plate number and year.
 - iv) The state which issued the registration plate.
 - v) The time and date the vehicle was taken into custody.
 - vi) The location of the abandonment.
 - vii) The location where the vehicle is being held.
 - viii) The name and address of the police agency which obtained custody of the vehicle.
 - ix) The name and title of the reporting police officer.
 - d) Mail to the registered owner, by certified mail, a citation for the alleged violation.
- 5) Upon receipt of the report described in subsection (4) of this section, the secretary of state shall do all of the following:
 - a) Check the records of the secretary of state to determine the registered owner and secured party, if any.
 - b) Record the vehicle as abandoned.

- c) Send a notice that the vehicle has been deemed abandoned to the registered owner and secured party by first-class mail. Each notice shall contain all of the following information:
 - i) The year, make, and vehicle identification number of the vehicle.
 - ii) The location from which the vehicle was taken into custody.
 - iii) The date on which the vehicle was taken into custody.
 - iv) The name and address of the police agency in whose custody the vehicle is being held.
 - v) The location where the vehicle is being held.
 - vi) The procedure to redeem the vehicle.
 - vii) The date by which the vehicle must be redeemed.
 - viii) That the registered owner, by following the instructions on the back of the citation, may contest the fact that the vehicle was deemed abandoned by denying responsibility for the civil infraction alleged in the citation.
 - ix) A warning that the failure to redeem the vehicle or to deny responsibility for a violation of subsection (3) of this section, may result in the sale of the vehicle.
- 6) If the owner admits responsibility for a violation of subsection (3) of this section, he or she may obtain the release of the vehicle by paying the accrued charges to the custodian of the vehicle.
- 7) If the owner denies responsibility for a violation of subsection (3) of this section, the owner may obtain release of the vehicle by posting a bond as determined by the court.
- 8) If the owner is found responsible for a violation of subsection (3) of this section, the police agency shall offer the vehicle for sale at a public sale unless the vehicle is redeemed.
- 9) A public sale shall be conducted in the following manner:
 - a) It shall be under the control of a police agency.
 - b) It shall be open to the public and consist of open auction bidding.

- c) It shall be held not less than 5 days after public notice of the sale has been published.
 - d) The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale.
- 10) The money received from the public sale of the vehicle shall be applied in the following order of priority:
- a) Towing and storage charges.
 - b) Expenses incurred by the police agency.
 - c) Remainder to the secured party, if any, if there is not a secured party, remainder to the owner. If the remainder of the money is not claimed by the secured party or owner within 30 days after the sale, it shall become the property of the unit of government that the police agency represents.
- 11) If there are not bidders on the vehicle, the police agency may do 1 of the following:
- a) Turn the vehicle over to the towing firm to satisfy charges against the vehicle.
 - b) Obtain title to the vehicle for the police agency or the unit of government the police agency represents by doing both of the following:
 - i) Paying the towing and storage charges.
 - ii) Applying for title to the vehicle.
 - c) Hold another public sale pursuant to subsection (9) of this section.
- 12) Within 2 days, excluding Saturday, Sunday, and legal holidays, after the disposition of the vehicle, the police agency shall do both of the following:
- a) Notify the secretary of state of the disposition.
 - b) Cancel the entry into the law enforcement information network described in subsection (4) b) of this section.

2.6. **Notifying Local Police Agency Upon Removal of Vehicle From Private Property; Police Agency Duties Upon Notification; Unclaimed Vehicle.**

- 1) When a vehicle is removed from private property at the direction of a person other than the registered owner of the vehicle or a police agency, the custodian of the vehicle immediately shall notify the local police agency.
- 2) Upon receipt of the notification described in subsection (1) of this section, the police agency immediately shall do both of the following:
 - a) Determine if the vehicle has been reported stolen.
 - b) Enter the vehicle into the law enforcement information network.
- 3) If the vehicle described in subsection (1) of this section is not claimed by the owner within 7 days after the police agency has been notified by the custodian that it has been taken into custody, the vehicle shall be deemed abandoned and the owner is responsible for a civil infraction.
- 4) If a vehicle is deemed abandoned by a police agency under subsection (3) of this section, the procedures prescribed in section 2.5a (4) to (12) of this code shall then apply.

2.7. **"Abandoned Scrap Vehicle" Defined; Taking Abandoned Scrap Vehicles in Custody; Authority; Procedure; Scraping Vehicles.**

- 1) As used in this section, "abandoned scrap vehicle" means a vehicle which meets all of the following requirements:
 - a) Is on public property or any other place open to travel by the public.
 - b) Is 7 or more years old.
 - c) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683 of the Act would exceed the fair market value of that vehicle.
 - d) Is not currently registered pursuant to the act.
 - e) Is not removed within 48 hours after a written notice as described in section 2.5a (2) b) of this code is affixed to the vehicle.
- 2) A police agency may take an abandoned scrap vehicle into custody, in which case the police agency shall do all of the following:
 - a) Determine if the vehicle has been reported stolen.
 - b) Take 2 photographs of the vehicle.

- c) Detail the damage or missing equipment to substantiate the vehicle as an abandoned scrap vehicle, on a form prescribed by the secretary of state. The form shall contain all of the following information:
 - i) The year, make, and vehicle identification number.
 - ii) The date of abandonment.
 - iii) The location of abandonment.
 - iv) A detailed listing of the damage or missing equipment.
 - v) The police agency and address.
 - vi) The reporting officer's name and title.
 - d) Within 24 hours after taking the vehicle into custody, enter the vehicle as an abandoned scrap vehicle into the law enforcement information network.
- 3) Within 24 hours, excluding Saturday, Sunday, and legal holidays, after taking the vehicle into custody, the police agency shall complete a release form and release the vehicle to the towing service or a used vehicle parts dealer or vehicle scrap metal processor, who shall then transmit that release form to the secretary of state and apply for a certificate of scrapping. Upon receipt of the release form and application, the secretary of state shall issue a certificate of scrapping. After the certificate of scrapping has been issued, the towing service, used vehicle parts dealer, or vehicle scrap metal processor may dispose of the abandoned scrap vehicle.
 - 4) The release form described in subsection (3) of this section shall be prescribed by the secretary of state and shall include an affidavit, to be executed by the applicable police agency when the abandoned scrap vehicle is released, which states that the police agency has complied with all the requirements of subsection (2) b) and c) of this section.
 - 5) The certificate of scrapping form shall be prescribed by the secretary of state. The secretary of state shall retain the records relating to an abandoned scrap vehicle for not less than 2 years. The 2 photographs taken pursuant to subsection (2) b) of this section shall be retained by the police agency for not less than 2 years. After the certificate of scrapping has been issued, a certificate of title for the vehicle shall not be issued again.

2.8. **"Citation" Defined; Numbering; Form.**

- 1) As used in the following sections, "citation" means a complaint or notice upon which a police officer shall record an occurrence which involved 1 or more vehicle law violations by the person cited. Each citation shall be numbered

consecutively, shall be in a form determined by the secretary of state, the attorney general, the state court administrator, and the director of the department of state police, and shall consist of the following parts:

- a) The original copy which shall be a complaint or notice to appear issued by the officer and which shall be filed with the court in which the appearance is to be made.
 - b) The first copy which shall be retained by the local traffic enforcement agency.
 - c) The second copy which shall be delivered to the alleged violator if the violation is a misdemeanor.
 - d) The third copy which shall be delivered to the alleged violator if the violation is a civil infraction.
- 2) With the prior approval of the state officials listed in subsection (1) of this section, the citation may be appropriately modified as to content or number of copies to accommodate law enforcement and local court procedures and practices. Use of a citation for other than moving violations is optional.

2.9. **Issuance of Citation Books.** The police chief shall issue citation books to each police office of his or her department whose duties may or will include traffic duty or traffic law enforcement. The police chief shall obtain a receipt from an officer to whom a citation book has been issued.

2.10. **Issuance of Citation for Misdemeanor.**

- 1) When a person is arrested without a warrant for any violation of the act which is punishable as a misdemeanor, or for a violation of a provision of this code which substantially corresponds to any provision of the act, under conditions not referred to in sections 5.4, 5.4a, 5.15, and 5.16 of this code, or sections 617, 619, and 727 (1), (2), and (3) of the act, the arresting officer shall prepare as soon as possible and as completely as possible, an original and 3 copies of a written citation to appear in court which shall contain the name and address of such person, the offense charged, and the time and place when and where such person shall appear in court. The officer shall inform the offender of the violation and shall give the third copy of the citation to the alleged offender. If such arrested person so demands, rather than being given a citation, the arrested person shall be taken before a magistrate or probate court which has jurisdiction.
- 2) The time to appear in court which is specified in the citation shall be within a reasonable time after the arrest, unless the person arrested demands an earlier hearing.
- 3) The place to appear in court which is specified in the citation shall be before a magistrate who has jurisdiction over the alleged offense charged in the citation.

- 4) An appearance may be made in person, by representation, or by mail. When an appearance is made by representation or mail, the magistrate may accept the plea of guilty or not guilty for purposes of arraignment with the same effect as though the person personally appeared before him or her. The magistrate, by giving 5 days' notice of the date of appearance, may require an appearance in person at the time and place designated in the citation.

2.10a. **Civil Infraction; Commencing Action; Plaintiff; Jurisdiction; Time and Place of Appearance; Minors.**

- 1) A civil infraction action is a civil action in which the defendant is alleged to be responsible for a civil infraction. A civil infraction action is commenced upon the issuance and service of a citation as provided in section 2.10b of this code. The plaintiff in a civil infraction action shall be the state if the alleged civil infraction is a violation of this code or shall be a political subdivision if the alleged civil infraction is a violation of a local ordinance of the subdivision which substantially corresponds to a provision of this code.
- 2) The following courts shall have jurisdiction over civil infraction actions:
 - a) The district court.
 - b) The recorder's court of the city of Detroit, traffic and ordinance division.
 - c) Any municipal court.
- 3) The time specified in the citation for appearance in court shall be within a reasonable time after the citation is issued pursuant to section 742 of the act.
- 4) The place specified in the citation for appearance in court shall be the court listed in subsection (2) of this section which has territorial jurisdiction of the place where the civil infraction occurred. Venue in the district court shall be governed by section 8312 of Act No. 236 of the Public Acts of 1961, as amended, being §6000.8312 of the Michigan Compiled Laws.
- 5) If the person cited is a minor, that individual shall be permitted to appear in court or to admit responsibility for a civil infraction without the necessity of appointment of a guardian or next friend. The courts listed in subsection (2) of this section shall have jurisdiction over the minor and may proceed in the same manner as if that individual were an adult.

2.10b. **Civil Infraction; Temporary Detention; Accident Citation, Citation Form and Procedure.**

- 1) A police officer who witnesses a person violating the act or a local ordinance that substantially corresponds to the act which constitutes a civil

infraction may stop the person, detain the person temporarily for purposes of making a record or vehicle check, and prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a written citation which shall be a notice to appear in court for 1 or more civil infractions.

- 2) A police officer may issue a citation to a person who is a driver of a motor vehicle which is involved in an accident if, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person is responsible for a civil infraction in connection with the accident.
- 3) A citation issued under subsection (1) or (2) of this section shall be in the form prescribed in sections 727c and 743 of the act.
- 4) The officer shall inform the person of the alleged civil infraction or infractions and shall deliver the third copy of the citation to the alleged offender.
- 5) In a civil infraction action that involves the parking or standing of a motor vehicle, a copy of the citation need not be served personally upon the defendant, but may be served upon the registered owner by attaching the copy to the vehicle. A city may also authorize personnel other than a police officer to issue and serve a citation for violation of its ordinance involving the parking or standing of a motor vehicle. In a civil infraction action involving the abandoning of a vehicle, a copy of the citation need not be served personally upon the defendant but may be served upon the registered owner by certified mail.
- 6) If a parking violation notice other than a citation is attached to a motor vehicle, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance for the violation are not paid at the parking violations bureau, a citation may be filed with the court in compliance with section 2.10(4) of this code and a copy of the citation may be served by first-class mail on the registered owner of the vehicle at the owner's last known address. A parking violation notice may be issued by a police officer or other personnel who are duly authorized by the city, village, township, college, or university to issue such a notice under its ordinance. The citation that is filed with the court pursuant to this subsection need not comply in all particulars with sections 727c and 743 of the act, but shall consist of a sworn complaint which contains the allegation stated in the parking violation notice and shall inform the defendant how to respond to the citation.
- 7) A citation that is issued under subsection (5) or (6) of this section for a parking or standing violation shall be processed in the same manner as a citation issued personally to a defendant pursuant to subsection (1) or (2) of this section.
- 8) As used in subsection (6) of this section:

- a) "Parking violation notice" means a notice, other than a citation, that directs a person to appear at a parking violations bureau in the city, village, or township in which, or of the college or university for which, the notice is issued and to pay the fine and costs, if any, prescribed by ordinance for the parking or standing of a motor vehicle in violation of the ordinance.
- b) "Parking violations bureau" means a parking violations bureau that is established pursuant to section 8395 of Act No. 236 of the Public Acts of 1961, as amended, being §600.8395 of the Michigan Compiled Laws, the violation bureau that is established within the traffic and ordinance division of the recorder's court of the city of Detroit, or a comparable parking violations bureau that is established in a city or village which is served, by a municipal court or which is established pursuant to law by the governing board of a state university or college.

2.10c.

Civil Infraction; Citation; Contents.

- 1) A citation that is issued pursuant to section 2.10b of this code shall contain all of the following information:
 - a) The name of the state or political subdivision acting as plaintiff.
 - b) The name and address of the person to whom the citation is issued.
 - c) Each civil infraction alleged.
 - d) The place where the person shall appear in court.
 - e) The telephone number of the court.
 - f) The time period during which the appearance shall be made.
 - g) Additional information required by this section.
- 2) The citation shall contain a notice in boldface type that the person, within the time period specified for appearance, may do any of the following:
 - a) Admit responsibility for the civil infraction in person, by representation, or by mail.
 - b) Admit responsibility for the civil infraction "with explanation" in person, by representation, or by mail.
 - c) Deny responsibility for the civil infraction by doing either of the following:
 - i) Appearing in person for an informal hearing before a district court magistrate, a referee of the recorder's court of the city of Detroit, traffic and ordinance division, or a judge without the opportunity of being represented by an attorney.

- ii) Appearing in court for a formal hearing before a judge with the opportunity of being represented by an attorney.
- 3) The citation shall contain a notice in boldface type that if the person desires to admit responsibility "with explanation" other than by mail or desires to have an informal hearing or a formal hearing, the person shall apply to the court in person, by mail, or by telephone within the time specified for appearance and shall obtain a scheduled date and time to appear for a hearing.
- 4) The citation shall contain a notice in boldface type that the failure of a person to appear within the time specified in the citation or at the time scheduled for a formal hearing or informal hearing shall result in the entry of a default judgment against the person and in the immediate suspension of the person's operator's or chauffeur's license.

Timely application to the court for a hearing or return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs constitutes a timely appearance.

2.10d. **Civil Infraction; Sworn Complaints.** If an officer issues a citation under section 742 of the act for a civil infraction, or if a citation is issued under section 742 of the act for parking or standing violation, the court may accept an admission with explanation or an admission or denial of responsibility on the citation without the necessity of a sworn complaint. If the person denies responsibility for the civil infraction, there shall not be any further proceedings until a sworn complaint is filed with the court. A warrant for arrest under section 321a of the act for failure to appear in court pursuant to the civil infraction citation shall not be issued until a sworn complaint relative to the civil infraction is filed with the court.

2.10e. **Civil Infraction; Appearance; Responsibility; Denial; Hearing.**

- 1) A person to whom a citation is issued under section 2.10b of this code shall appear within the time specified in the citation and may respond to the allegations in the citation as provided in this section.
- 2) If a person chooses to admit responsibility for the civil infraction, a person may do so by appearing in person, by representation, or by mail. If an appearance is made by representation or mail, the court may accept the admission as through he or she personally appeared in court. Upon acceptance of the admission, the court may order any of the sanctions permitted under section 907 of the act.
- 3) If a person chooses to admit responsibility for the civil infraction "with explanation", a person may do so in either of the following ways:
 - a) By appearing by mail.

- b) By contacting the court in person, by mail, by telephone, or by representation to obtain from the court a scheduled date and time to appear. At such time, the person shall appear in person or by representation.
- 4) If a person admits responsibility for a civil infraction "with explanation" under subsection (3) of this section, the court shall accept the admission as though the person has admitted responsibility under subsection (2) of this section and may consider the person's explanation by way of mitigating any sanction which the court may order under section 907 of the act. If an appearance is made by representation or mail, the court may accept the admission as though the person personally appeared in court, but the court may request the person to provide a further explanation.
- 5) If a person chooses to deny responsibility for a civil infraction, a person shall do so by contacting the court in person, by representation, by mail, or by telephone and obtaining a scheduled date and time to appear for an informal or formal hearing. The court shall schedule an informal hearing, unless a person expressly requests a formal hearing. If a person expressly requests a formal hearing, the court shall schedule a formal hearing. If a hearing is scheduled by telephone, the court shall mail 'the defendant a confirming notice of that hearing by regular mail to the address appearing on the citation or to an address which may be furnished by the defendant. An informal hearing shall be conducted pursuant to section 2.10f of this code and a formal hearing shall be conducted pursuant to section 2.10g of this code.

2.10f.

Civil Infractions; Informal Hearings; Procedure; Witnesses, Appeal.

- 1) An informal hearing shall be conducted by a district court magistrate when authorized by the judge or judges of the district court's district, by a referee of the recorder's court of the city of Detroit, traffic and ordinance division, or by a judge of a court listed in section 1.20a(2) of this code. A referee or district court magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law at an informal hearing. The judge, referee, or district court magistrate shall conduct the informal hearing in an informal manner so as to do substantial justice according to the rules of substantive law, but shall not be bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except for provisions relating to privileged communications. There shall not be a jury at an informal hearing. A verbatim record of an informal hearing is not required.
- 2) At an informal hearing, the person cited may not be represented by an attorney nor may the plaintiff be represented by the prosecuting attorney or the attorney for a political subdivision.

- 3) Notice of a scheduled informal hearing shall be given to the citing police agency. The agency may subpoena witnesses for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid to a witness in advance of an informal hearing.
- 4) If the judge, referee, or district court magistrate determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge, referee, or magistrate shall enter an order against the person as provided in Section 907 of the Act. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.
- 5) The plaintiff and defendant shall be entitled to appeal an adverse judgment entered at an informal hearing. An appeal from a municipal judge shall be a trial de novo in the form of a scheduled formal hearing as follows:
 - a) The appeal from a judge of the district court or recorder's court of the city of Detroit, traffic and ordinance division, shall be heard by a different judge of the district or of the traffic and ordinance division.
 - b) The appeal from a district court magistrate shall be heard by a judge of the district.
 - c) The appeal from a referee shall be heard by a judge of the recorder's court of the city of Detroit, traffic and ordinance division.

2.10g.

Civil Infraction; Formal Hearings; Procedure; Fees; Council; Judgment.

- 1) A formal hearing shall be conducted only by a judge of a court which has jurisdiction over civil infraction actions under section 2.10a of this code.
- 5) In a formal hearing, the person cited may be represented by an attorney, but is not entitled to appointed counsel at public expense.
- 6) Notice of a formal hearing shall be given to the prosecuting attorney or attorney for the political subdivision who represents the plaintiff. That attorney shall appear in court for a formal hearing and that attorney shall be responsible for the issuance of a subpoena to each witness for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid to a witness in advance of an informal hearing.
- 7) There shall not be a jury trial in a formal hearing.
- 8) If the judge determines by a preponderance of the evidence that the person cited is responsible for a civil infraction, the judge shall enter an order against the person as provided in section 907 of the act. Otherwise, a judgment shall be entered for the defendant, but the defendant shall not be entitled to costs of the action.

2.10h. **Civil Infraction; Failure To Appear.** If the person to whom a citation is issued for a civil infraction fails to appear, as directed by the citation or other notice, at a scheduled appearance under section 2.10e(3) b) or (4) of this code, at a scheduled informal hearing, or at a scheduled formal hearing, the court shall enter a default judgment against that person, and the person's license shall be suspended pursuant to section 321a of the act until that person appears in court and all matters pertaining to the violation are resolved or until the default judgment is set aside.

2.10i. **Civil Infraction; Stopping A Nonresident; Procedure; "Guaranteed Appearance Certificate" Defined.**

- 1) When a person who is not a resident of this state is stopped for a civil infraction pursuant to section 2.10b of this code, the police officer who makes the stop shall take the person's driver's license as security for the nonresident's appearance in court and satisfaction of any order which may be issued under section 907 of the act and shall issue to that person a citation as provided in sections 2.8 and 2.10b of this code. The officer who takes the driver's license, within 48 hours after the taking, excluding Sundays, legal holidays, and Saturdays when court is closed, shall deliver the driver's license to the court named in the citation, together with a report of the fact relating to the civil infraction. Failure to make a report and deliver the license shall be considered contempt of court.

If the person does not have a license in his or her immediate possession, in violation of section 301 or 311 of the act, the officer shall arrest that person pursuant to section 727(4) of the act.

- 2) In place of the officer's taking of the license under subsection (1) of this section or before appearance in court, the person stopped may guarantee the officer or the court of his or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed \$100.00.
- 3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer shall immediately take the nonresident driver before the magistrate to answer to the civil infraction alleged. Upon entry of an admission of responsibility for the civil infraction, with or without explanation, or upon completion of an informal hearing, the defendant's license shall be returned if judgment is entered for the defendant, if any adverse judgment entered against the defendant is satisfied, or if the defendant leaves with the court a guaranteed appearance certificate or a sum of money not to exceed \$100.00 as security for payment of any fines or costs ordered. If the nonresident defendant requests a formal hearing, the hearing shall be scheduled as provided in section 2.10g of this code, but the defendant's license shall be retained by the court until final resolution of the matter, unless the defendant leaves with the court the guaranteed appearance certificate or

deposit as provided in subsection (2) of this section as security for appearance at the scheduled formal hearing.

- 4) The officer who received a guaranteed appearance certificate of deposit under subsection (2) of this section shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited, together with the written citation required under subsection (1) of this section.
- 5) The officer who takes a certificate of deposit shall, within 48 hours after the taking, excluding Sundays, legal holidays, and Saturdays when court is closed, deliver the certificate of deposit to the court named in the citation, together with a report of the facts relating to the citation. Failure to make a report and deliver the deposit shall be embezzlement of public money.
- 9) If the person who posts a certificate of deposit fails to appear as required in the citation, or fails to appear for a scheduled formal hearing, the court that has jurisdiction and venue over the civil infraction shall enter a default judgment against the person, and the guaranteed appearance certificate of deposit shall be forfeited and applied to any civil fine or costs ordered pursuant to section 907 of the act.
- 7) For purposes of this section, "guaranteed appearance certificate" means a card or certificate which contains a printed statement that a surety company which is authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or if the person fails to pay any fine or costs imposed pursuant to section 707 of the act, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed \$200.00.

2.12. **Fees.** An officer who makes an arrest pursuant to this code for a misdemeanor without a warrant, except pursuant to section 727(l), (2), and (3) of the act, shall not be entitled to any fees for making the arrest or for issuing a citation pursuant to this section.

2.13. **Misconduct of Officers and Magistrates.** Any officer or magistrate who violates any of the provisions of sections 2.8 to 2.17a of this code is guilty of misconduct in office and is subject to removal from office.

2.14. **Citations to Drivers in Accidents.** A police officer may issue a citation to a person who is a driver of a motor vehicle involved in an accident when, based upon personal investigation; the officer has reasonable and probable grounds to believe that the person has committed an offense under this code in connection with the accident. The officer shall prepare an original and 3 copies of the citation which shall set forth the name and address of such person, the offense

that may be charged against the person, and the time and place of the appearance of such person in court. The citation shall inform the person of the office, bureau, or department to which requests for a change or adjournment of the court date shall be made.

2.15. **Disposition of Citations.**

- 1) At or before the completion of his or her tour of duty, a police officer to whom a citation book has been issued and who has recorded the occurrence of a vehicle law violation upon a citation shall deliver to his or her police chief or to the person authorized by the police chief all copies of the citation duly signed. The police chief or the person authorized by the police chief shall deposit the original of the citation, together with the copy designated for the department's motor vehicles record, with the court which has jurisdiction over the offense not more than 2 days after the date of the citation. Sundays and legal holidays excepted.
- 2) If a police officer arrests a person without a warrant for any vehicle law violation, the arrest shall be noted on the citation.
- 3) If a citation is voided, the citation shall be endorsed with a full explanation by the police officer who voids the citation and shall be duly accounted for to his or her police chief or to the police chief's authorized designee.
- 4) Nothing in this ordinance shall prevent a person,, other than a police officer, from applying for a criminal complaint for a vehicle law violation, and such person need not show that the alleged offender has been issued a citation in connection with such offense.

2.16. **Accountability in the Processing of Citations.** The various officers and administrators of this governmental unit shall establish procedures, as provided by instruction from the state treasurer, to insure accountability in the processing of citations. The record that shows the issuance and subsequent disposition of a citation shall be maintained for not less than the most recent 5-year period and such records and notices shall be available for public inspection.

2.17. **Audit of Citation Records.** A complete audit of citation records shall be made at least once annually by the appropriate fiscal officer of the governmental agency to which the traffic enforcement agency is responsible. Citation records may be audited by the state treasurer if deemed by him or her to be necessary.

2.17a. **Falsification of Illegal Disposition of Citations; Penalties.** Whoever knowingly falsifies a citation, copies of a citation, or a record of the issuance of a citation; disposes of a citation, copy, or record in a manner other than as required in this code; attempts to falsify or dispose of a citation, copy, or record; or attempts to incite or procure another to falsify or dispose of a citation, copy, or record shall be fined not more than \$500,000 or shall be imprisoned in the county jail for a term not to exceed 1 year, or both.

- 2.17b. **Citation of Illegally Parked Vehicles.** When a motor vehicle without a driver is found parked or stopped in violation of any restriction imposed by ordinances of this governmental unit or by state law, the officer who finds the vehicle shall take its registration number and may take any other information displayed on the vehicle which might identify its user and shall conspicuously affix to the vehicle a traffic citation.
- 2.17c. **Procedure upon Arrest for Certain Offenses.**
- 1) A person who is arrested without a warrant on a charge of violating section 5.14 of this code shall be taken, without unreasonable delay, before the magistrate or probate court which has jurisdiction. He or she may be released if, under existing circumstances, it does not appear that his or her release pending the issuance of a warrant as provided in section 2.10 of this code would constitute a public menace.
 - 2) A person who is arrested without a warrant on a charge of violating section 5.15 of this code shall be taken, without unreasonable delay, before the magistrate of probate court which has jurisdiction.
 - 3) A person who is arrested without a warrant on a charge of driving a motor vehicle without a valid operator's or chauffeur's license in his or her immediate possession, as provided in sections 5.62, 5.62a, 5.63, 5.64, and 5.66 of this code, shall be taken, without unreasonable delay, before the magistrate or probate court which has jurisdiction. If the arresting officer satisfactorily determines the identity of the person and the likelihood of subsequent apprehension in the event of failure to voluntarily appear before a magistrate or probate court as directed, the officer may release the person from custody after issuing him or her a citation as provided in section 2.10 of this code.
- 2.17d. **Sworn Complaints.** When under the provisions of sections 2.8 to 2.17c of this code an officer issues a citation, a magistrate may accept a plea of guilty/responsible or not guilty/not responsible or responsible with explanation upon the citation without the necessity of a sworn complaint, but the officer shall sign the complaint before the magistrate makes his or her docket return thereon. If the alleged offender pleads not guilty/not responsible, further proceedings shall not be conducted until a sworn complaint is filed with the magistrate. A warrant for arrest shall not be issued for an offense under this code until a sworn complaint is filed with the magistrate.
- 2.18. **Records of Traffic Violations; Warrants.** The chief of police shall maintain, or cause to be maintained, a record of all warrants which are issued on traffic violation charges and which are delivered to the police department for service. The chief of police shall maintain, or cause to be maintained, a record of the final disposition of all such warrants.

Chapter 106 – Traffic

- 2.19. **Traffic Accident Reports.** The police department shall maintain a suitable system of filing traffic accident reports. Accident reports, or cards referring to them, shall be filed alphabetically by location. Such reports shall be available for the use and information of the traffic engineer.
- 2.20. **Use of Accident Reports.** The police department shall receive and shall properly file all accident reports made to it under state law or under any ordinance of this governmental unit. The reports required by this code shall not be available for use in any court action, but shall be available to governmental agencies for the purpose of furnishing statistical information as to the number and cause of accidents.
- 2.21. **Official Form for Accident Reports.** The police department shall use the official form prescribed by the director of the department of state police in reporting accidents to him or her which are required to be-reported by the act or by sections 5.3 and 5.6 of the code.
- 2.22. **Traffic Accident Studies.** If the accidents at any particular location become numerous, the police department shall cooperate with the traffic engineer in conducting studies of such accidents and shall determine remedial measures.
- 2.24. **Traffic Engineer Designee.** The powers and duties of the Traffic Engineer, as set forth in this code, may be exercised by a person designated by the City Engineer as Acting Traffic Engineer if the Traffic Engineer is absent or unavailable.
- (Rev. 06-16-2003)
- 2.25. **Duties of Traffic Engineer.** The general duties of the traffic engineer are as follows:
- a) To plan and determine the installation and proper timing and maintenance of traffic-control devices.
 - b) To conduct engineering analysis of traffic accidents and to devise remedial measures.
 - c) To conduct engineering investigations of traffic conditions.
 - d) To plan the operation of traffic on the streets of this government unit, including parking areas.
 - e) To cooperate with other officials of this governmental unit in the development of ways and means to improve traffic conditions.
 - f) To carry out the additional powers and duties imposed by the ordinances of this governmental unit.

(Renumbered 06-17-2002)

- 2.26. **Traffic Committee.** The Traffic Engineer shall be assisted by the Traffic Committee, as described in Chapter 35 of the Troy City Ordinances. The Traffic Committee shall be vested with advisory powers with respect to the proposed traffic regulations and traffic issues, and shall advise the City Manager and City Council on amendments to this Chapter.

(Renumbered/Revised 06-17-2002)

- 2.27. **Emergency Regulations.** The Chief of Police is hereby empowered to make and enforce temporary regulations to cover emergencies of special conditions. Temporary regulations shall remain in effect for not more than 90 days.
- 2.28. **Testing Traffic-Control Devices.** The Traffic Engineer may test or experiment with traffic-control devices under actual conditions of traffic in accordance with procedures contained in the Michigan manual of uniform traffic-control devices.
- 2.29. **Through Streets; Placing and Maintaining Stop Signs.** If a through street is duly established, it is the duty of the traffic engineer to place and maintain a stop sign on each and every street which intersects such through street or which intersects that portion of such through street which is described and designated as a through street by any ordinance of this governmental unit, unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of 2 through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either street as may be determined by the traffic engineer upon the basis of an engineering and traffic study.
- 2.30. **Intersections Where Stop Required.** The traffic engineer is hereby authorized to determine and designate intersections where particular hazards exist on other than through streets and to determine whether vehicles shall stop at 1 or more entrances to any such stop intersection. The traffic engineer shall erect a stop sign at every place where a stop is required.
- 2.31. **Yield Right-of-Way Signs.** The traffic engineer may determine and designate intersections where conditions warrant requiring vehicles to yield the right-of-way to cross vehicles and to determine whether vehicles shall yield the right-of-way at 1 or more entrances to any such intersection. A yield sign shall be erected at every place where approaching vehicles are required to yield the right-of-way.
- 2.32. **Parking Adjacent to Schools.** The traffic engineer is hereby authorized to erect signs which indicate that parking on either or both sides of any street adjacent to any school property is prohibited if such parking will, in his or her opinion, interfere with traffic or create a hazardous situation.
- 2.33. **Parking Prohibited on Narrow Streets.** The traffic engineer is hereby authorized to erect signs which indicate that parking upon any street is prohibited

if the width of the roadway is not more than 20 feet or that parking on 1 side of a street as indicated by such signs is prohibited if the width of the roadway is not more than 30 feet.

2.34. **Standing or Parking on 1-Way Streets.** The traffic engineer is authorized to erect signs on the left-hand side of any 1-way street to prohibit the standing or parking of vehicles on the left-hand side of such street.

2.35. **Standing or Parking on 1-Way Roadways.** The traffic engineer is authorized to determine when standing or parking is permitted on the left-hand side of any 1-way roadway and to erect signs giving notice thereof.

2.36 **No Stopping, Standing, or Parking Zones.** The Traffic 'Engineer may determine and designate zones where stopping, standing or parking is prohibited due to hazardous conditions which may exist or where conditions exist which would cause undue delay to traffic. Such zones shall be designated by posting proper signs at such locations.

(Rev. 10-11-1993)

2.36a. **Tow-Away Zones.** The traffic engineer may establish tow-away zones as follows:

- a) At locations already designated as no stopping, standing, or parking zones.
- b) On streets where the normal width of the roadway is reduced by a building or buildings or by a construction project.
- c) At or adjacent to streets and locations where safety and traffic movement is affected by occurrence of a public event.
- d) Such tow-away zones shall be designated by posting signs which read "tow-away zone". Such signs shall be posted independently or as an extra panel attached below the posted signs which prohibit stopping, standing, or parking at the location.

(Rev. 10-11-1993)

2.36b. **Traffic-Control Devices on Private Property; Violation as Civil Infraction.**

- 1) With the consent, or at the request, of the owners or persons in charge of private property that is open to the general public for travel, the traffic engineer may determine controls of the movement of vehicles and pedestrians and the parking of vehicles as needed for the safety and convenience of the public and users of the property. The traffic engineer shall place and maintain whatever traffic-control devices are necessary to give notice of the controls determined to be necessary.

2) A person who violates the directions of the traffic-control devices is responsible for a civil infraction.

2.37. **Curb Loading Zones.** The traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs which indicate the zones and which state the hours during which the zones are restricted for loading purposes.

2.38 **Permits for Curb Loading Zones.** The traffic engineer shall not designate or sign any curb loading zones upon special request of any person unless such person makes application for a permit for such zone and for 2 signs to indicate the ends of each zone. When approved by the traffic engineer, the clerk, upon granting a permit and issuing such signs, shall collect from the applicant and deposit with the treasurer a service fee for 2 year or a fraction thereof inn an amount specified by resolution of the ordinance making body. The governmental unit may, by regulation, impose conditions upon the use of the signs and provide for reimbursement for the value of the signs if they are misused or upon expiration of the permit. Every such permit shall expire at the end of 1 year.

2.39 **Public Carrier Stands.** The traffic engineer is hereby authorized to establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on such streets, in such places, and in such number as he or she shall determine to be of the greatest benefit and convenience too the public. Every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs, which the traffic engineer shall cause to be erected.

2.40 **Permit for Loading or Unloading at an Angle to the Curb.** The traffic engineer may authorize the clerk to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. A permit may be issued either too the owner or lessee of real property or to the owner of the vehicle. A permit shall grant to such person the privileges which are stated in the permit and which are authorized in this code.

2.42 **Angle Parking Zones.** The traffic engineer shall determine the location of angle parking zones and shall erect and maintain appropriate sings which indicated the location and which give notice thereof, except that such zones shall not be established on state trunkline highways.

2.43. **Duty to Erect Parking Signs.** It is the duty of the traffic engineer to erect and maintain appropriate signs which give notice of regulations that relate to the stopping, standing, or parking of vehicles.

2.44 **Speed Restrictions.** The traffic engineer is hereby authorized to establish, increase, or decrease speed regulations provided for in this code and to erect signs which give notice thereof, as follows:

- a) Establish prima facie lawful speed limits on streets outside of business or residential districts, which shall not be less than 15 miles per hour.
- b) Increase the prima facie speed limits on through streets within business or residential districts.
- c) Establish the prima facie speed limit in public parks, alleys, and cemeteries.

2.45. **Authority to Place Turning Markers.** The traffic engineer is authorized to place markers, buttons, or signs within or adjacent to intersections which indicate the course to be traveled by vehicles turning at such intersections. The course to be traveled, as indicated, may conform to, or be other than, that prescribed by law or ordinance.

2.46. **Turn Signs.** The traffic engineer may determine the locations at which drives of vehicles shall not make a right, left, or U-turn and shall place proper signs at such locations. Right, left, and U-turns may be prohibited between certain hours of the day and permitted at other times. At such locations, the different times shall be plainly shown on the signs or the signs may be removed when turns are permitted.

2.47. **Authority to Sign 1-Way Streets and Alleys.** Where any 1-way street or alley is duly established, the traffic engineer shall place and maintain signs which give notice of the 1-way street or alley and such regulation shall not be effective unless such signs are in place. Signs that indicate the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

2.48. **Authority to Restrict Direction of Movement on Streets During Certain Periods.** The traffic engineer is hereby authorized to determine and designate streets, parts of streets, or specific lanes of streets on which vehicular traffic shall proceed in 1 direction during 1 period of the day and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The traffic engineer may erect signs that temporarily designate lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

2.49. **Authority to Establish No Passing Zones.** The traffic engineer is hereby authorized to designate zones on streets or parts of streets where passing is prohibited and shall place and maintain official signs or markings on the roadway to indicate such zones.

2.50. **Truck Routes; Road Limits.** The traffic engineer is hereby authorized to prohibit the use of designated streets by trucks or other commercial vehicles and to impose limitations as to the weight of vehicles on designated streets; however, prohibitions and limitations shall not become effective until notice thereof is given by means of official signs.

- 2.51. **Prohibiting Certain Traffic.** The traffic engineer may, after an engineering and traffic investigation, designate any heavily traveled street under his or her jurisdiction as prohibited to a class or kind of traffic found to be incompatible with the normal and safe movement of traffic. The traffic engineer shall erect appropriate traffic-control devices which give notice of the determination.
- 2.53. **Traffic-Control Orders.**
- 1) The authority in this code to regulate traffic shall be exercised by the traffic engineer by the issuance of traffic-control orders which shall specify the rules and regulations adopted or established by him or her. such traffic-control orders shall become effective upon being filed with the clerk and upon erection of adequate signs or signals which give notice of the existence of such regulation, if signs or signals are required by the provisions of this code which pertain to such regulation.
 - 2) Traffic-control orders may be issued by the traffic engineer on his or her own authority, but when so issued shall be known as temporary traffic-control orders and shall not be effective after the expiration of 90 days from the date of filing and such temporary traffic-control orders shall not be renewed or extended, except upon approval by the ordinance making body.
 - 3) Permanent traffic-control orders shall be issued by the traffic engineer, approved by the ordinance making body, and filed with the clerk.
 - 4) Temporary orders shall become permanent orders upon being approved by the ordinance making body, and notice of such approval shall be filed with the clerk.
 - 5) All traffic-control orders and any action which modify or repeal such orders shall be kept by the clerk in a separate book which shall be known as the traffic-control order book.
 - 6) A copy of a traffic-control order, certified by the clerk to be a true copy compared by him or her with the original in his or her office, shall be permitted into evidence in all courts and proceedings in the same manner as the original would be permitted into evidence if produced, if it appears that a traffic-control sign, signal, or device that conforms to the provisions of this code was erected or in place when the alleged violation of this code occurred, such showing shall be prima facie evidence of the existence of a lawful traffic-control order which authorizes such traffic control sign, signal, or device, and it is not necessary for the prosecution to affirmatively show the existence of a valid traffic-control order in such cases, unless and until such presumption is rebutted by competent evidence.

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- 2.54. The duties set forth in sections 2.55 to 2.58 of this code shall apply to the person who is elected or appointed to the office of clerk of this governmental unit.
- 2.55. **Clerk to Issue Permit for Loading or Unloading at an Angle to the Curb.** The clerk, upon receipt of a written application, shall issue, subject to the approval of the traffic engineer, permits to back a vehicle at right angles to the curb for the purpose of loading or unloading of merchandise or material. Such permits shall be subject to the terms and conditions stated thereon. Every such permit shall expire at the end of each calendar year, but may be reissued.
- 2.56. **Clerk to Issue Permit for Curb Loading Zones.** The clerk, upon receipt of a written application, shall issue, subject to the approval of the traffic engineer, permits for curb loading zones. Such permits shall be subject to the terms and conditions stated thereon.
- 2.57. **Clerks to provide traffic citation forms.** Traffic citation forms in serially numbered sets which notify -alleged violators to appear and answer to charges of violating traffic laws and ordinances shall be provided by the clerk in books and in a form as provided in sections 727a, 727b, and 727c of the act and as provided in sections 2.8 and 2.9 of this code.
- 2.58 **Issuance and Record of Traffic Citation Books.** The clerk shall be responsible for the issuance of traffic citation books to the chief of police and shall maintain a record of each book.
- 3.0 **OBEDIENCE TO TRAFFIC REGULATIONS.**
- 3.1. **Required Obedience to Traffic Ordinances; Violation as Civil Infraction.** It is a violation of this code for any person to do any act which is forbidden, or to fail to perform any act which is required, by this code Sec. 3.01. Parental Responsibility; Violation as Civil Infraction.
- 1) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this code.
 - 2) A person who violates this section is responsible for a civil infraction.
- 3.2. **Obedience to Police and the Fire Department Officials; Violation as Misdemeanor.**
- 1) A person shall not willfully fail or refuse to comply with any lawful order or direction of any police officer or member of the fire department, at the scene of or in the immediate vicinity of a fire, who is vested with authority under the code to direct, control, or regulate traffic.
 - 2) A person who violates this section is guilty of a misdemeanor.

3.2a. **Failure to Stop Upon Police Signal; Violation of a Misdemeanor.**

- 1) If a driver of a motor vehicle is given a visual or audible signal by hand, voice, emergency light, or siren by a police officer who is acting in the lawful performance of his or her duty and who is directing the driver to bring his or her motor vehicle to a stop and the driver willfully fails to obey such direction by increasing his or her speed, extinguishing his or her lights, or otherwise attempting to flee or elude the officer, the driver shall be punished, upon conviction, as provided in section 9.3(2) of this code. The officer who gives the signal shall be in uniform. A police vehicle that is driven at night shall be adequately identified as an official police vehicle.
- 2) A person who violates this section is guilty of a misdemeanor.

3.3. **Persons Propelling Push Carts or Riding Animals Subject to Traffic Regulations; Violation as Misdemeanor.**

- 1) Persons who propel any push cart or who ride an animal upon a roadway and persons who drive any animal-drawn vehicle are subject to the provisions of this code which are applicable to the driver of any vehicle, except for the provisions of this code which by their very nature can have no application.
- 2) A person who violates this section is guilty of a misdemeanor.

3.4. **Use of Coasters, Roller Skates, and Similar Devices Restricted; Violation as :**

- 1) A person who is on roller skates or who is riding in, or by means of, any coasters, toy vehicle, or similar device shall not go on any roadway, except while crossing a street on a crosswalk. When crossing a street on a crosswalk, such person shall be granted all of the rights, and shall be subject to all of the duties applicable to pedestrians.
- 2) A person who violates this section is responsible for a civil infraction.

3.5. **Public Employees to Obey Traffic Regulations.** The provisions of this code that are applicable to the drivers of vehicles on streets and highways shall apply to the drivers of all vehicles owned by, or used in the service of, the United States, this state, or any county, city, town, district, or other political subdivision of the state, subject to such specific exceptions as are set forth in this code or in the state statutes.

3.6. **Authorized Emergency Vehicles.** The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from, a fire alarm, may exercise the privileges set forth in section 3.7 of this code, subject to the conditions stated in sections 3.7, 3.8, and 3.9 of this code.

- 3.7. **Privileges of Authorized Emergency Vehicles.** The driver of an authorized emergency vehicle may do all of the following:
- a) Park or stand, irrespective of the provisions of this code.
 - b) Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation.
 - c) Exceed the prima facie speed limits if the excessive speed does not endanger life or property.
 - d) Disregard regulations that govern direction of movement or the turning in specified directions.
 - e) Drive through a funeral or other authorized procession.
- 3.8. **Signal Required.** The privileges granted to an authorized emergency vehicle in sections 3.6 and 3.7 of this code shall apply only when the driver of the vehicle in motion sounds an audible signal by bell, siren, or exhaust whistle, as may be reasonably necessary, and when the vehicle is equipped with at least 1 lighted lamp which displays a flashing, oscillating, or rotating red or blue light which is visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle. Only authorized emergency vehicles shall be equipped with a flashing, oscillating, or rotating red or blue light which, when activated, shall be visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except when deemed advisable not to equip such authorized emergency vehicle operating as a police vehicle with a flashing, oscillating, or rotating light. A police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run where silence is required.
- 3.9. **Authorized Emergency Vehicle Driver Responsibility.** The preceding provisions of this code do not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons and such provisions shall not protect the driver from the consequences of his or her reckless disregard for the safety of others.
- 3.10. **Workers on Surface of Highways.** The provisions of this code that are the same as the provisions of chapter 6 of the act do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work on the surface of a street, but do apply to such persons and vehicles when traveling to or from such work. The provisions of Chapter 6 of the act that govern the size and width of vehicles do not apply to vehicles owned by public highway authorities when such vehicles are proceeding to or from work on public highways.

3.11. **Code Provisions; Exclusive Applicability to Operation of Vehicles on Streets, Except Where Otherwise Referred To.** The provisions of this code that relate to the operation of vehicles refer exclusively to the operation of vehicles on streets, except where a different place is specifically referred to in a given section of this code.

3.12. **Enforcing Violation on Private Road.** Notwithstanding any other provision of law, a police officer may enter upon a private road to enforce violations of this code.

4.0 **TRAFFIC-CONTROL DEVICES**

4.1. **Authority to Install Traffic-Control Devices.** The traffic engineer shall place, maintain, or remove traffic-control signs, signals, lane markings, and other devices and shall determine the hours and days during which any traffic-control device shall be in operation or in effect. This shall be done when and as required under the traffic ordinances of this governmental unit to indicate and to carry out the provisions of such ordinance of this governmental unit and under state law, to regulate, warn, or guide traffic.

4.2. **Manual and Specifications for Traffic-Control Devices.** All traffic-control signs, signals, and devices shall conform to the official Michigan manual of uniform traffic-control devices. All signs and signals required by this code for a particular purpose shall, so far as practicable, be uniform as to type and location throughout this governmental unit. All traffic-control devices so erected and not inconsistent with the provisions of state law or this code shall be official traffic-control devices.

4.3. **Limit to Authority.** Notwithstanding the authority granted to the traffic engineer under this code, traffic-control devices shall not be placed or maintained on any trunkline highway which is under the jurisdiction of the state highway commissioner, except by the commissioner's permission, or on any county road, except by permission-of the county road commission which has jurisdiction thereof.

4.4. **Obedience to Official Traffic-Control Devices; Violation as Civil Infraction.**

- 1) The driver of any vehicle shall obey the instructions of any official traffic-control device which is placed in accordance with the traffic ordinances of this governmental unit, unless otherwise directed by a police officer.
- 2) A person who violates this section is responsible for a civil infraction.

4.4a. **Avoiding Traffic-Control Device; Violation as Civil Infraction.**

- 1) The driver of a vehicle shall not avoid obedience to an official traffic-control device by driving on or through private property or on or through public property which is not a street or highway.
- 2) A person who violates this section is responsible for a civil infraction.

4.5. **Provisions of Code Which Require Signs; Enforceability.**

Provisions of this code which require signs shall not be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign was not in proper position and was not sufficiently legible so as to be seen by an ordinarily observant person. when a particular section does not state that signs are required, such section shall be effective even though signs are not erected or in place.

4.6. **Traffic-Control Signal Placement and Legend; Violation as Civil Infraction.**

- 1) When traffic is controlled by traffic-control signals, at least 1 signal shall be located over the traveled portion of the roadway to give drivers a clear indication of the right-of-way assignment from their normal positions approaching the intersection. The vehicle signals shall exhibit different colored lights successively 1 at a time or with arrows. The following colors shall be used and the terms and lights shall indicate and apply to drivers of vehicles as follows:
 - a) **Green indication.** Vehicular traffic facing the signal may proceed straight through or turn right or left, unless a sign at such place prohibits either turn. However, vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians who are lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - b) **Steady yellow indication.** Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at a limit line, when marked, but if such stop cannot be safely made, a vehicle may be driven cautiously through the intersection.
 - c) **Steady red indication.** Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or at a limit line, when marked, or, if none, then before entering the intersection and shall remain standing until a green indication is shown, except that vehicular traffic facing a steady red signal, after stopping before entering the crosswalk on the near side of the intersection or at a limit line, when marked, or, if none, then before entering the intersection, may make a right turn from a 1-or 2-way street into a 2-way street or into a 1-way street

carrying traffic in the direction of the right turn or may make a left turn from a 1-or 2-way street into a 1-way roadway carrying traffic in the direction of the left turn unless prohibited by sign, signal, marking, light, or other traffic-control device. The vehicular traffic shall yield the right-of-way to pedestrians who are lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- d) **Arrow indications. Green arrow (steady):** Vehicular traffic facing a green arrow signal which is shown alone or in combination with another indication may cautiously enter the intersection only to make the movement indicated by the arrow or to make other movement permitted by other indications shown at the same time. Vehicle traffic shall yield the right-of-way to pedestrians who are lawfully within an adjacent crosswalk and to other traffic which is lawfully using the intersection. **Red arrow (flashing):** When a red arrow is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line, when marked, or, if none, then before entering the intersection and may then make the movement indicated if interference is not offered to pedestrians or vehicles which are lawfully on the highway.

- 2) A person who violates this section is responsible for a civil infraction.

4.7. **Non-Intersection Signals; Violation as Civil Infraction.**

- 1) If a traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable, except for those provisions which by their nature can have no application. Any stop that is required shall be made at a sign or marking on the pavement, which indicates where the stop shall be made. In the absence of any sign or marking, the stop shall be made at the signal.
- 2) A person who violates this section is responsible for a civil infraction.

4.8. **Pedestrian Signals; Violation as Civil Infraction.**

- 1) When special pedestrian-control signals are not utilized, the regular traffic-control signals, as indicated in sections 4.6 and 4.7 of this code, shall apply to pedestrians as follows:
- a) **Green indication.** Pedestrians facing such signal may proceed across the roadway within any marked or unmarked crosswalk.

- b) **Steady yellow indication.** Pedestrians facing such signal are advised that there is insufficient time to cross the roadway and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.
- c) U. Pedestrians facing such signal shall not enter the highway unless they can do so safely and without interfering with any vehicular traffic.
- d) U. Pedestrians facing such signal shall not enter the highway unless they can do so safely without interfering with any vehicular traffic.

2) A person who violates this section is responsible for a civil infraction.

4.9 **Special Pedestrian Signals; Violation as Civil Infraction.**

- 1) When special pedestrian-control signals are installed, they shall be placed at the far end of each crosswalk and shall indicate a "walk" or "don't walk" interval. These special signals shall apply to pedestrians only to the exclusion of any regular traffic-control signal or signals which may be present at the same location.
- 2) Walk interval. Pedestrians facing such signal may proceed across the highway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- 3) Don't walk (steady burning or flashing) interval. A pedestrian shall not start to cross the highway in the direction of such signals, but any pedestrian who has partially completed his or her crossing on the walk interval of such signal shall proceed to a sidewalk or safety island while the don't walk interval of the signal is showing.
- 4) A person who violates this section is responsible for a civil infraction.

4.10. **Flashing Signals Violation as Civil Infraction.**

- 1) When flashing red or yellow signals are used, they shall be obeyed by vehicular traffic as follows:
 - a) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line, when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 - b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may only proceed through the intersection or past such signal if caution is exercised.
- 2) A person who violates this section is responsible for a civil infraction.

4.11. **Unauthorized Sign, Signal, Marking, Device, Decoration, or Banner; Violation as Misdemeanor.**

- 1) Except as authorized by the traffic engineer, a person shall not place, maintain, or display, along any street or upon any structure in or over any street, and sign; signal; marking; device; blinking, oscillating, or rotating light or lights; decoration; or banner which is or purports to be a traffic-control device or railroad sign or signal, which imitates or resembles, or which can be mistaken for, a traffic-control device or railroad sign or signal, which attempts to direct the movement of traffic, or which hides from view, or interferes with the effectiveness of, any traffic-control device or any railroad sign or signal.
- 2) A person shall not place or maintain, and a public authority shall not permit, on any highway, a traffic sign or signal that bears any commercial advertising.
- 3) A person shall not place, maintain, or display, along any street, any blinking, oscillating, or rotating light or lights which are sufficiently similar to the distinguishing lights authorized by law for emergency vehicles in color and design that they may be mistaken for the distinguishing lights authorized by law for emergency vehicles or which create a hazard for the safety of drivers using any street. Every such prohibited sign, signal, marking, device, decoration, or banner is a public nuisance, and the authority that has jurisdiction over the street is empowered to remove the same or cause it to be removed without notice.
- 4) Decorations or banners that may be placed over the traveled portion of any street or highway shall be placed not closer than 10 feet on either side of traffic lights or signals and shall be placed so as not to obstruct a clear view of such traffic lights or signals.
- 5) A person who violates this section is guilty of a misdemeanor.

4.12. **Interference with Traffic-Control Devices or Railroad Signs or Signals; Violation as Misdemeanor.**

- 1) A person shall not, without lawful authority, attempt to alter, deface, injure, knock down, or remove any traffic-control device, any railroad sign or signal, any inscription, shield, or insignia thereon, or any other part thereof.
- 2) A person who violates this section is guilty of a misdemeanor.

4.13. **Crosswalks.** The traffic engineer is hereby authorized to designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where, in his or her opinion, there is particular danger to pedestrians crossing the roadway and at such other places as he or she may deem necessary.

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- 4.14. **Safety Zones.** The traffic engineer is hereby authorized to establish safety zones of a kind and character and at such places as he or she may deem necessary for the protection of pedestrians.
- 4.15. **Traffic Lanes.** The traffic engineer is hereby authorized to mark traffic lanes on the roadway of any street or highway where a regular alignment of traffic is necessary.
- 4.16. **School Crossings; Designation; Creation.** The traffic engineer may, after traffic and engineering studies and in consultation with the superintendent of the school district, designate appropriate crosswalks as school crossings and may create additional school crossings where they are considered necessary on streets or highways under his or her jurisdiction.
- 4.17. **School-Crossing Guards; Duty Periods; Identifying Clothing; Signs.**
- 1) When school-crossing guards are assigned, they shall be stationed at school crossings during the times of day designated by the superintendent of the school district and the chief of the law enforcement agency which has jurisdiction.
 - 2) When on duty, a school-crossing guard shall wear an outer vest of a color and style that meets the standards of the Michigan manual of uniform traffic-control devices. The school-crossing guard shall also hold a stop sign which conforms to the Michigan manual of uniform traffic-control devices for hand-held signs.
 - 3) When the school-crossing guards are assigned at designated school crossings, warning signs shall be erected in conformance with the Michigan manual of uniform traffic-control devices.
- 4.18. **School-Crossing Guards; Selection; Training; Supervision.**
- 1) The local law enforcement agency has the responsibility for selection and training of school-crossing guards in their jurisdiction.
 - 2) A person shall receive not less than 4 hours of instruction before performing the duties of a school-crossing guard. Two hours of additional instruction shall be given annually to a school-crossing guard before the beginning of each school year. The courses of instruction shall be approved by the department of education and the department of state police and shall be conducted by the local law enforcement agency which has jurisdiction or its designee.
- 4.19. **School-Crossing Guard; Failure to Obey Signal as Violation; Presumption; Violation as Misdemeanor.**

- 1) The driver of a motor vehicle who fails to stop at a school crossing when a school-crossing guard is in the crossing and is holding the stop sign in an upright position which is visible to approaching vehicular traffic is guilty of a violation of section 4.4 of this code.
- 2) In a proceeding for a violation of subsection (1) of this section, proof that the particular vehicle described in the citation, complaint, or warrant was in violation of subsection (1), together with proof that the defendant named in the citation, complaint, or warrant was, at the time of the violation, the registered owner of the vehicle, constitutes an evidentiary presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.
- 3) A person who violates this section is guilty of a misdemeanor.

4.20. **Bicycle Paths or Bicycle Lanes; Establishment; Traffic-Control Devices.**

- 1) When the traffic engineer determines there is a need, after a traffic survey and engineering study, he or she may establish a part of a street or highway under his or her jurisdiction as a bicycle path or lane.

(Rev. 05-24-2004)

- 2) The bicycle path or lane shall be identified by official traffic-control devices that conform to the Michigan manual of uniform traffic-control devices.

(Rev. 05-24-2004)

4.21. **Bicycle Paths; Vehicles Prohibited; Snowmobiles Permitted Under Certain Conditions; Violation as Misdemeanor.**

- 1) A person shall not operate a vehicle on or across a bicycle path, except to enter or leave adjacent property or as otherwise permitted in this section.
- 2) A person shall not park a vehicle on a bicycle path.
- 3) A person who violates this section is guilty of a misdemeanor.

4.22. **Bicycle Lanes; Vehicles Prohibited; Parking Permitted Under Certain Conditions; Violation as a Misdemeanor.**

- 1) A person shall not operate a vehicle on or across a bicycle lane, except to enter or leave adjacent property.
- 2) A person shall not park a vehicle on a bicycle lane, except where parking is permitted by official signs.

- 3) A person who violates this section is guilty of a misdemeanor.

5.0 **RIGHTS AND DUTIES OF DRIVERS AND OTHERS.**

5.1. **Operation of Vehicles on Approach of authorized Emergency Vehicles; Violation as Civil Infraction.**

- 1) Upon the immediate approach of an authorized emergency vehicle equipped with at least 1 lighted, flashing, rotating, or oscillating lamp which exhibits a red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, if the driver of the emergency vehicle gives an audible signal by siren, exhaust whistle, or bell, the driver of any other vehicle shall yield the right-of-way and shall immediately drive to a position parallel, and as close as possible, to the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This section does not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

- 2) A person who violates this section is responsible for a civil infraction.

5.1a. **Stationary Authorized Emergency Vehicles, Visual Signals, Approach with Due Care and Caution; Violation, Penalty and Fine.**

- 1) Upon approaching and passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights, the driver of an approaching vehicle shall exhibit due care and caution, as required under the following:
 - a) On any public roadway with a least 2 adjacent lanes proceeding in the same direction of the stationary authorized emergency vehicle, the driver of the approaching vehicle shall proceed with caution and yield the right-of-way by moving into a lane at least 1 moving lane or 2 vehicle widths apart from the stationary authorized emergency vehicle, unless directed otherwise by a police officer. If movement to an adjacent lane or 2 vehicle widths apart is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic in parallel moving lanes, the driver of the approaching vehicle shall proceed as required in subdivision b).
 - b) On any public roadway that does not have at least 2 adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, or if the movement by the driver of the vehicle into an adjacent lane or 2 vehicle widths apart is not possible as described in subdivision a), the approaching vehicle shall reduce and maintain a safe speed for weather, road conditions and vehicular or

pedestrian traffic and proceed with due care and caution, or as directed by a police officer.

- 2) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days or both.

(Revised 10-15-2001)

5.2. **Involvement in Accident Resulting in Damage to Vehicles; Stopping; Violation as Misdemeanor.**

- 1) The driver of any vehicle who knows or who has reason to believe that he or she has been involved in an accident that results only in damage to a vehicle which is driven or attended by any person shall immediately stop his or her vehicle at the scene of such accident and shall remain at the scene until he or she has fulfilled the requirements of section 5.4a of this code. Every such stop shall be made without unnecessarily obstructing traffic.
- 2) A person who violates this section is guilty of a misdemeanor.

5.3. **Accidents; Fixtures on or Adjacent To Highway; Report; Violation as Misdemeanor.**

- 1) The driver of any vehicle that is involved in an accident which results only in damage to fixtures that are legally on or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such accident, his or her name and address, and the registration number of the vehicle he or she is driving and shall, upon request, exhibit his or her operator's or chauffeur's license and, if such owner cannot be found, shall forthwith report such accident to the nearest or most convenient police officer.
- 2) The officer who receives such report or his or her commanding officer shall forward each individual report to the director of state police on forms prescribed by the director which shall be completed in full by the investigating officer. A copy of the accident report required under this section shall be retained by the local police department for not less than 3 years.

5.4. **Involvement in Accident Resulting in Injury or Death; Stopping, Violation as Misdemeanor.**

- 1) The driver of any vehicle who knows or who has reason to believe that he or she has been involved in an accident on either public or private property, when such property is open to travel by the public, that results in injury or death of any person shall immediately stop such vehicle at the

scene of such accident and shall remain at the scene until he or she has fulfilled the requirements of section 5.4a of this Code. Every such stop shall be made without necessarily obstructing traffic.

- 2) A person who violates this section is guilty of a misdemeanor.

5.4a. **Giving Information and Obtaining Aid; Violation as Misdemeanor.**

- 1) The driver of a vehicle who knows or who has reason to believe that he or she has been involved in an accident that results in injury or the death of a person or damage to a vehicle which is driven or attended by any person shall give his or her name, address, and registration number of the vehicle he or she is driving and the name and address of the owner and shall exhibit his or her operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance in securing medical aid or transportation.

5.5. **Unattended Vehicles; Report; Violation as Misdemeanor.**

- 1) The driver of any vehicle that collides, on either public or private property, with any vehicle which is attended or unattended shall immediately stop and either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the vehicle or, if such owner cannot be located, forthwith report the accident to the nearest or most convenient police officer.
- 2) A person who violates this section is guilty of a misdemeanor.

5.6. **Duty to Report Accidents Forthwith; Violation as Misdemeanor.**

- 1) The driver of a motor vehicle involved in an accident that injures or kills any person, or that damages property to an apparent extent totaling \$400.00 or more, shall forthwith report such accident to the Police Department if the accident occurs within the City of Troy. The officer who receives such report, or his or her commanding officer, shall forthwith forward each individual report to the director of state police on forms prescribed by the director, which shall be completed in full, by the investigating officer. A copy of the accident report required under this section shall be retained by the local police department for not less than three years.
- 2) A person who violates this section is guilty of a misdemeanor.

(Rev. 05-24-1993)

5.7. **Report of Garage Keeper or Repairmen; Violation as Misdemeanor.**

- 1) The person in charge of any garage or repair shop to which is brought any motor vehicle that shows evidence of having been involved in an accident or having been struck by any bullet shall report the same to the police department immediately after such motor vehicle is received and shall give the engine number, registration number, and the name and address of the owner and operator of such vehicle.
- 2) A person who violates this section is guilty of a misdemeanor.

5.8. **Use of Accident Reports.** The reports required by sections 5.3, 5.5, and 5.6 of this code are not available for use in any court actions, but are available for the purpose of furnishing statistical information as to the number and cause of accidents.

5.9. **Speed and Caution Restrictions; Violation as Civil Infraction.**

- 1) Any person who drives a vehicle on a street shall drive the vehicle using due care and caution and at a careful and prudent speed which is reasonable and proper considering the traffic, surface and width of the street, and any other condition then existing. person shall not drive any vehicle on a street at speed greater than will permit him or her to bring the vehicle to a stop within the assured clear distance ahead.
- 2) A person who violates this section is responsible for a civil infraction.

(Rev. 03-25-1996)

5.9a. **Driving at Slow Speed; Violation as Civil Infraction.**

- 1) A person shall not drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or to comply with law.
- 2) A person who violates this section is responsible for a civil infraction.

5.10. **Business and Residence; Districts and Parks; Designated Work Areas; Decrease in Prima Facie Speed Limits; Violation as Civil Infraction.**

- 1) Subject to the provisions of section 5.9 of this code, except in those instances where a different speed is lawfully established and posted, it shall be prima facie lawful for the driver of a vehicle to drive at a speed of not more than 25 miles an hour on all streets in business and residence districts and parks, unless such speed would be unsafe.
- 2) A person who operates a vehicle on the highway shall not exceed a speed of 45 miles per hour when entering and passing through a designated

work area where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities. The department of transportation, county road commission, or local authority shall identify a designated work area with traffic-control devices which comply with the Michigan manual of uniform traffic-control devices on streets and highways under its jurisdiction. A person shall not exceed the foregoing speed limitation or those established pursuant to sections 628 or 629 of the act.

- 3) Local authorities are authorized to decrease the prima facie speed limits to not less than 15 miles an hour on each street or highway under their jurisdiction which is adjacent to a city-owned park or playground. A decrease in the prima facie speed limits shall be binding when adequate signs are duly posted giving notice of the reduced speeds.
- 4) A person who violates this section is responsible for a civil infraction.

5.11. **Violation of Speed Limitations; Violation as Civil Infraction.**

- 1) It shall be prima facie unlawful for any person to exceed any of the speed limitations set forth in Section 5.10 of this code.
- 2) A person who violates this section is responsible for a civil infraction.

- 5.11a.
- 1) No passenger vehicle drawing another vehicle or trailer shall exceed the speed of 55 mph unless the vehicle or trailer has two wheels or less and does not exceed the combined weight of 750 pounds for the vehicle or trailer and load, or a trailer coach of not more than 26 feet in length with brakes on each wheel and attached to the passenger vehicle with an equalizing or stabilizing coupling unit '
 - 2) No truck, tractor, or tractor with trailer nor any combination of such vehicles with a gross weight, loaded or unloaded, in excess of 5000 pounds, shall exceed a speed of 55 mph on highways or streets, which speed shall be reduced to 35 mph during the period when reduced loadings are being enforced in accordance with the provisions of this Chapter.
 - 3) No school bus shall exceed the speed of 50 mph.
 - 4) A person who violates this section is responsible for a civil infraction.

5.12. **Violation of Signs; Violation as Civil Infraction.**

- 1) It shall be prima facie unlawful to exceed the speed stated on signs erected in accordance with the traffic ordinances of this governmental unit.
- 2) A person who violates this section is responsible for a civil infraction.

5.13. **Manner of Charging Violation Of Speed Restriction.** In every charge of violating a speed restriction in the traffic ordinances of this governmental unit, the complaint and traffic citation shall specify the speed at which the defendant is alleged to have driven and the speed applicable within the district or at the location.

5.14 **Drag Races Prohibited; "Drag Racing" Defined; Violation Punishable as Misdemeanor.**

- 1) A person shall not operate a vehicle on any highway or other place open to the general public, including any area designated for the parking of motor vehicles, in a speed or acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise, over a measured or unmeasured distance, and shall not participate in drag racing as defined in subsection (2) of this section.
- 2) "Drag racing" means the operation of 2 or more vehicles from a point side-by-side at accelerating speeds in a competitive attempt to out distance each other over a common selected course or where timing is involved or where timing devices are used in competitive accelerations of speeds by participating vehicles. Persons who render assistance in any manner to such competitive use of vehicles shall be equally charged as participants. The operation of 2 or more vehicles either at speeds in excess of prima facie lawfully established speeds or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speed is prima facie evidence of drag racing and is unlawful and shall be punished, upon conviction, as a misdemeanor.

(07-12-2010)

5.14a. **Reckless Driving; Violation Punishable as Misdemeanor.** A person who drives a vehicle on a highway or a frozen public lake, stream, pond, or other place open to the general public, including but not limited to any area designated for the parking of motor vehicles, in willful or wanton disregard for the safety of persons or property, is guilty of reckless driving. A person who violates this section is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500, or both.

(Renumbered: 07-12-2010)

5.14b. **Careless Driving; Violation as Civil Infraction.**

- 1) A person who operates a vehicle on a highway or a frozen public lake, stream, pond, or other place open to the general public, including any area designated for the parking of vehicles, in a careless or negligent manner likely to endanger any person or property, but without wantonness or recklessness is responsible for a civil infraction

(Renumbered: 07-12-2010)

5.14c. **Distracted Driving; Violation as Civil Infraction.**

- 1) A person shall not engage in distracted driving within the City of Troy.
- 2) A person who violates this section is responsible for a civil infraction.
- 3) Exceptions. This section does not apply to a person who is using an electronic communication device to do one or more of the following:
 - a) Report a traffic accident, medical emergency or serious road hazard.
 - b) Report a situation in which the person believes his or her personal safety is in jeopardy.
 - c) Report or avert the perpetration or potential perpetration of a criminal act against the individual or another person.
 - d) Carry out official duties as a police officer, law enforcement official, member of a paid or volunteer fire department, or operator of an emergency vehicle.

(07-12-2010)

5.14d. **Drag Races Prohibited; "Drag Racing" Defined; Violation Punishable as Misdemeanor.**

- 3) A person shall not operate a vehicle on any highway or other place open to the general public, including any area designated for the parking of motor vehicles, in a speed or acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise, over a measured or unmeasured distance, and shall not participate in drag racing as defined in subsection (2) of this section.
- 2) "Drag racing" means the operation of 2 or more vehicles from a point side-by-side at accelerating speeds in a competitive attempt to out distance each other over a common selected course or where timing is involved or where timing devices are used in competitive accelerations of speeds by participating vehicles. Persons who render assistance in any manner to such competitive use of vehicles shall be equally charged as participants. The operation of 2 or more vehicles either at speeds in excess of prima facie lawfully established speeds or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speed is prima facie evidence of drag racing and is unlawful and shall be punished, upon conviction, as a misdemeanor.

(Renumbered: 07-26-2010)

5.15

Operating While Intoxicated; Violation Punishable as Misdemeanor.

- 1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the City of Troy if the person is operating while intoxicated. As used in this section, “operating while intoxicated” means either:
 - a) The person is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, or;
 - b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2013, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- 2) The owner of a vehicle or a person in charge or in control of a vehicle shall not authorize or knowingly permit the vehicle to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the City of Troy by a person if any of the following apply:
 - a) The person is under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance
 - b) The person has an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2013, the person has an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
 - c) The person’s ability to operate the motor vehicle is visibly impaired due to the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
- 3) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the City of Troy when, due to the consumption of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance, the person’s ability to operate the vehicle is visibly impaired. If a person is charged with violating subsection (1), a finding of guilty under this subsection may be rendered.

- 4) A person who is less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the City of Troy if the person has any bodily alcohol content. As used in this subsection, "any bodily alcohol content" means either of the following:
 - a) An alcohol content of not less than 0.02 grams or more, but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2013, the person has an alcohol content of not less than 0.02 grams or more, but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
 - b) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.
- 5) A person, whether licensed or not, is subject to the following requirements:
 - a) He or she shall not operate a vehicle in violation of subsections (1), (3) or (6) while another person who is less than 16 years of age is occupying the vehicle.
- 6) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the City of Troy if the person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214 a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.
- 7) A person who is convicted of violating subsection (1) or (6) is guilty of a misdemeanor punishable by one or more of the following:
 - a) Community service for not more than 360 hours.
 - b) Imprisonment for not more than 93 days.
 - c) A fine of not less than \$100 or more than \$500.
 - d) Immobilization as provided in MCL 257.904d.
 - e) As a condition of probation, the person shall not operate a motor vehicle unless that vehicle is equipped with an ignition interlock device

approved, certified, and installed as required under MCL 257.625k and MCL 257.625l.

- 8) A person who is convicted of violating subsection (2) is guilty of a misdemeanor punishable by one or more of the following:
 - a) Imprisonment for not more than 93 days.
 - b) A fine of not less than \$100 or more than \$500.
- 9) A person who is convicted of violating subsection 3, is guilty of a misdemeanor punishable by one or more of the following:
 - a) Community service for not more than 360 hours.
 - b) Imprisonment of not more than 93 days.
 - c) A fine of not more than \$300.
 - d) Immobilization as provided in MCL 257.904d
- 10) If a person is convicted of violating subsection (4), all of the following apply:
 - a) The person is guilty of a misdemeanor punishable by one or more of the following:
 - i) Community service for not more than 360 hours.
 - ii) A fine of not more than \$250.
 - b) If the violation occurs within seven years of one or more prior convictions, the person may be sentenced to one or more of the following:
 - i) Community service for not more than 480 hours.
 - ii) A fine of not more than \$500.
 - iii) Imprisonment of not more than 93 days.
 - iv) Immobilization as provided in MCL 257.904d.
- 11) A person who is convicted of violation of subsection (5), is guilty of a misdemeanor and shall be sentenced to pay a fine of not less than \$200 or more than \$500 and to one or more of the following:
 - a) Community service for not less than 240 hours or more than 720 hours.

- b) Imprisonment for not less than 5 days or more than 93 days.
 - c) Immobilization as provided in MCL 257.904d.
- 12) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution.
 - 13) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.
 - 14) If a person is charged with a violation of subsection (1), (3), or (5) or (6), the court shall not permit the defendant to enter a plea of guilty or nolo contendere to a charge of violating subsection (4) in exchange for dismissal of the original charge.
 - 15) Except as otherwise provided in subsection (17), if a person is charged with operating a vehicle while under the influence of a controlled substance or a combination of alcoholic liquor and a controlled substance in violation of subsection (1), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether the person was under the influence of a controlled substance or a combination of alcoholic liquor and a controlled substance at the time of the violation.
 - 16) Except as otherwise provided in subsection (17), if a person is charged with operating a vehicle while his or her ability to operate the vehicle was visibly impaired due to his or her consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance in violation of subsection (3), the court shall require the jury to return a special verdict in the form of a written finding or, if the court convicts the person without a jury or accepts a plea of guilty or nolo contendere, the court shall make a finding as to whether, due to the consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance, the person's ability to operate a motor vehicle was visibly impaired at the time of the violation.
 - 17) A special verdict described in subsections (15) and (16) is not required if a jury is instructed to make a finding solely as to either of the following:
 - a) Whether the defendant was under the influence of a controlled substance or a combination of alcoholic liquor and a controlled substance at the time of the violation.

- b) Whether the defendant was visibly impaired due to his or her consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance at the time of the violation.
- 18) If a jury or court finds under subsection (15), (16), or (17) that the defendant operated a motor vehicle under the influence of or while impaired due to the consumption of a controlled substance or a combination of a controlled substance and an alcoholic liquor, the court shall do both of the following:
- a) Report the finding to the secretary of state.
 - b) On a form or forms prescribed by the state court administrator, forward to the department of state police a record that specifies the penalties imposed by the court, including any term of imprisonment, and any sanction imposed under MCL 257.625n or MCL 257.904d.
- 19) Except as otherwise provided by law, a record described in subsection (18) b) is a public record and the department of state police shall retain the information contained on that record for not less than seven years.
- 20) In a prosecution for a violation of subsection (4), the defendant bears the burden of proving that the consumption of intoxicating liquor was a part of a generally recognized religious service or ceremony by a preponderance of the evidence.

5.15a **Chemical Test Refusal Sanctions.**

- 1) If a person refuses a chemical test offered pursuant to MCL 257.625a(6) or submits to a chemical test or a chemical test is performed pursuant to a court order and the test reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall do all of the following:
- a) On behalf of the secretary of state, immediately confiscate the person's license or permit to operate a motor vehicle and, if the person is otherwise eligible for a license or permit, issue a temporary license or permit to the person. The temporary license or permit shall be on a form provided by the secretary of state.
 - b) Except as provided in subsection (2), immediately do all of the following:
 - i) Forward a copy of the written report of the person's refusal to submit to a chemical test required under MCL 257.625d to the secretary of state.

- ii) Notify the secretary of state by means of the law enforcement information network that a temporary license or permit was issued to the person.
 - ii) Destroy the person's driver's license or permit.
- 2) If a person submits to a chemical test offered pursuant to MCL 257.625a(6) that requires an analysis of blood or urine and a report of the results of that chemical test is not immediately available, the peace officer who requested the person to submit to the test shall comply with subsection (1) a) pending receipt of the test report. If the report reveals an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately comply with subsection (1) b). If the report does not reveal an unlawful alcohol content, the peace officer who requested the person to submit to the test shall immediately notify the person of the test results and immediately return the person's license or permit by first-class mail to the address given at the time of arrest.
- 3) A temporary license or permit issued under this section is valid for one of the following time periods:
 - a) If the case is not prosecuted, for 90 days after issuance or until the person's license or permit is suspended pursuant to MCL 257.625f, whichever occurs earlier, the prosecuting attorney shall notify the secretary of state if a case referred to the prosecuting attorney is not prosecuted. The arresting law enforcement agency shall notify the secretary of state if a case is not referred to the prosecuting attorney for prosecution.
 - b) If the case is prosecuted, until the criminal charges against the person are dismissed, the person is acquitted of those charges, or the person's license or permit is suspended, restricted, or revoked.
- 4) As used in this section, "unlawful alcohol content" means any of the following, as applicable:
 - a) If the person tested is less than 21 years of age, 0.02 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
 - b) If the person tested is not a person described in subsection a),, 0.08 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or, beginning October 1, 2013, 0.10 grams or more of alcohol per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

5.15b **Arrest Without Warrant; Preliminary Breath Test Refusal, Violation as Civil Infraction; Admissibility and Use of Chemical Test Analysis.**

- 1) A peace officer may arrest a person without a warrant under either of the following circumstances:
 - a) The peace officer has reasonable cause to believe the person was, at the time of an accident in the City of Troy, the operator of a vehicle involved in the accident and was operating the vehicle in violation of MCL 257.625 or a local ordinance substantially corresponding to MCL 257.625.
 - b) The person is found in the driver's seat of a vehicle parked or stopped on a highway or street within the City of Troy, if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of MCL 257.625 or a local ordinance substantially corresponding to MCL 257.625.
- 2) A peace officer who has reasonable cause to believe that a person was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the City of Troy and that the person by the consumption of alcoholic liquor may have affected his or her ability to operate a vehicle, or reasonable cause to believe that a person who is less than 21 years of age was operating a vehicle upon a public highway or other place open to the public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the City of Troy while the person had any bodily alcohol content as that term is defined in MCL 257.625(3), may require the person to submit to a preliminary chemical breath analysis. The following provisions apply with respect to a preliminary chemical breath analysis administered under this subsection:
 - a) A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis.
 - b) The results of a preliminary chemical breath analysis are admissible in a criminal prosecution for a crime enumerated in MCL 257.625c(1) or in an administrative hearing for 1 or more of the following purposes:
 - i) To assist the court or hearing officer in determining a challenge to the validity of an arrest. This subparagraph does not limit the introduction of other competent evidence offered to establish the validity of an arrest.

- ii) As evidence of the defendant's breath alcohol content, if offered by the defendant to rebut testimony elicited on cross-examination of a defense witness that the defendant's breath alcohol content was higher at the time of the charged offense than when a chemical test was administered under subsection (3).
 - iii) As evidence of the defendant's breath alcohol content, if offered by the prosecution to rebut testimony elicited on cross-examination of a prosecution witness that the defendant's breath alcohol content was lower at the time of the charged offense than when a chemical test was administered under subsection (3).
 - c) A person who submits to a preliminary chemical breath analysis remains subject to the requirements of MCL 257.625c, MCL 257.625d, MCL 257.625e, and MCL 257.625f for purposes of chemical tests described in those sections.
 - d) A person who refuses to submit to a preliminary chemical breath analysis upon a lawful request by a peace officer is responsible for a civil infraction.
- 3) The following provisions apply with respect to chemical tests and analysis of a person's blood, urine, or breath, other than preliminary chemical breath analysis:
- a) The amount of alcohol or presence of a controlled substance or both in a driver's blood or urine or the amount of alcohol in a person's breath at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding and is presumed to be the same as at the time the person operated the vehicle.
 - b) A person arrested for a crime described in MCL 257.625c (1) shall be advised of all of the following:
 - i) If he or she takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer 1 of the chemical tests.
 - ii) The results of the test are admissible in a judicial proceeding as provided under this act and will be considered with other admissible evidence in determining the defendant's innocence or guilt.

- iii) He or she is responsible for obtaining a chemical analysis of a test sample obtained at his or her own request.
 - iv) If he or she refuses the request of a peace officer to take a test described in subparagraph (i), a test shall not be given without a court order, but the peace officer may seek to obtain a court order.
 - v) Refusing a peace officer's request to take a test described in subparagraph (i) will result in the suspension of his or her operator's or chauffeur's license and vehicle group designation or operating privilege and the addition of 6 points to his or her driver record.
- c) A sample or specimen of urine or breath shall be taken and collected in a reasonable manner. Only a licensed physician, or an individual operating under the delegation of a licensed physician under section 16215 of the public health code, 1978 PA 368, MCL 333.16215, qualified to withdraw blood and acting in a medical environment, may withdraw blood at a peace officer's request to determine the amount of alcohol or presence of a controlled substance or both in the person's blood, as provided in this subsection. Liability for a crime or civil damages predicated on the act of withdrawing or analyzing blood and related procedures does not attach to a licensed physician or individual operating under the delegation of a licensed physician who withdraws or analyzes blood or assists in the withdrawal or analysis in accordance with this act unless the withdrawal or analysis is performed in a negligent manner.
- d) A chemical test described in this subsection shall be administered at the request of a peace officer having reasonable grounds to believe the person has committed a crime described in MCL 257.625c(1). A person who takes a chemical test administered at a peace officer's request as provided in this section shall be given a reasonable opportunity to have a person of his or her own choosing administer 1 of the chemical tests described in this subsection within a reasonable time after his or her detention. The test results are admissible and shall be considered with other admissible evidence in determining the defendant's innocence or guilt. If the person charged is administered a chemical test by a person of his or her own choosing, the person charged is responsible for obtaining a chemical analysis of the test sample.
- e) If, after an accident, the driver of a vehicle involved in the accident is transported to a medical facility and a sample of the driver's blood is withdrawn at that time for medical treatment, the results of a chemical analysis of that sample are admissible in any civil or

criminal proceeding to show the amount of alcohol or presence of a controlled substance or both in the person's blood at the time alleged, regardless of whether the person had been offered or had refused a chemical test. The medical facility or person performing the chemical analysis shall disclose the results of the analysis to a prosecuting attorney who requests the results for use in a criminal prosecution as provided in this subdivision. A medical facility or person disclosing information in compliance with this subsection is not civilly or criminally liable for making the disclosure.

- f) If, after an accident, the driver of a vehicle involved in the accident is deceased, a sample of the decedent's blood shall be withdrawn in a manner directed by the medical examiner to determine the amount of alcohol or the presence of a controlled substance, or both, in the decedent's blood. The medical examiner shall give the results of the chemical analysis of the sample to the law enforcement agency investigating the accident and that agency shall forward the results to the department of state police.
 - g) The Department of State Police shall promulgate uniform rules in compliance with the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the administration of chemical tests for the purposes of this section. An instrument used for a preliminary chemical breath analysis may be used for a chemical test described in this subsection if approved under rules promulgated by the department of state police.
- 4) The provisions of subsection (3) relating to chemical testing do not limit the introduction of any other admissible evidence bearing upon any of the following questions:
- a) Whether the person was impaired by, or under the influence of, alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
 - b) Whether the person had an alcohol content of 0.08 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine or, beginning October 1, 2013, the person had an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
 - c) If the person is less than 21 years of age, whether the person had any bodily alcohol content within his or her body. As used in this subdivision, "any bodily alcohol content" means either of the following:
 - i) An alcohol content of 0.02 grams or more but less than 0.08 grams per 100 milliliters of blood, per 210 liters of breath, or

per 67 milliliters of urine or, beginning October 1, 2013, the person had an alcohol content of 0.02 grams or more but less than 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or 67 milliliters of urine.

- ii) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than the consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.
- 5) If a chemical test described in subsection (3) is administered, the test results shall be made available to the person charged or the person's attorney upon written request to the prosecution, with a copy of the request filed with the court. The prosecution shall furnish the results at least 2 business days before the day of the trial. The prosecution shall offer the test results as evidence in that trial. Failure to fully comply with the request bars the admission of the results into evidence by the prosecution.
- a) A person's refusal to submit to a chemical test as provided in subsection (3) is admissible in a criminal prosecution for a crime described in MCL 257.625c(1) only to show that a test was offered to the defendant, but not as evidence in determining the defendant's innocence or guilt. The jury shall be instructed accordingly.

(Rev. 09-08-2003 / Effective 09-30-2003)

5.16a

Transportation or Possession of Alcoholic Liquor in Container Open or Uncapped or Upon Which Seal Broken; Violation Punishable as a Misdemeanor; Nonacceptance of Plea for Violation of Section 5.15(4), Nonapplicability.

- 1) Except as provided in subsection (2), a person shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in the City of Troy.
- 2) A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in this state, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.

- 3) A person who violates this section is guilty of a misdemeanor, punishable by a term of imprisonment of not more than 90 days and a fine of not more than \$100.00. A court shall not accept a plea of guilty or nolo contendere for a violation of this section from a person charged solely with a violation of section 5.15(4) of Chapter 106 of the Troy City Code.
- 4) This section does not apply to a passenger in a chartered vehicle authorized to operate by the Michigan Department of Transportation.

(10-24-1994)

5.16b. **Consumption of Alcoholic Liquor on a Highway, Public Place, or Area Generally Accessible to Motor Vehicles, Including Area Designated for Parking of Vehicles; Violation Punishable as a Misdemeanor.**

- 1) A person shall not consume alcoholic liquor upon a highway, street, alley, or any public or private property which is open to the general public and which is not licensed to sell alcoholic liquor for consumption on the premises, or within the passenger compartment of a moving vehicle upon a highway or in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in the City of Troy.
- 2) Person who violates this section is guilty of a misdemeanor, punishable by a term of imprisonment of not more than 90 days and a fine of not more than \$100.00, or both.

(Rev. 12-23-1991)

5.17. **Driving on Right Side of Roadway; Exceptions; Violation as Civil Infraction.**

- 1) On all roadways of sufficient width, a vehicle shall be driven on the right half of the roadway, except as follows:
 - a) When overtaking and passing another vehicle which is proceeding in the same direction under the rules governing such movement.
 - b) When the right half of a roadway is closed to traffic while under construction or repair.
 - c) On a roadway that is divided into 3 marked lanes for traffic under the rules applicable thereon.
 - d) On a roadway designated and signposted for 1-way traffic.
- 2) A person who violates this section is responsible for a civil infraction.

5.18. **Passing Vehicles Proceeding in Opposite Directions; Violation as Civil Infraction.**

- 1) Drivers of vehicles proceeding in opposite directions shall pass each other to the right. On roadways that are not wider than 1 lane of traffic in each direction, drivers passing each other in opposite directions shall give to the other, as near as possible, at least 1/2 of the main-traveled portion of, the roadway.
- 2) A person who violates this section is responsible for a civil infraction.

5.19. **Overtaking and Passing of Moving Vehicles Proceeding in Same Direction; Violation as Civil Infraction.**

- 1) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules set forth in this code:
 - a) The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof and, when safely clear of such overtaken vehicle, shall take up a position as near the right-hand edge of the main-traveled portion of the highway as is practicable.
 - b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.
- 2) A person who violates this section is responsible for a civil infraction.

5.20. **Overtaking and Passing on Right of Moving Vehicles; Violation as Civil Infraction.**

- 1) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:
 - a) When the vehicle overtaken is making or is about to make a left turn.
 - b) On a street or highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for 2 or more lanes of moving vehicles in each direction, if vehicles on such street or highway are moving in substantially continuous lanes of traffic.

- c) On a 1-way street or on any roadway on which traffic is restricted to 1 direction of movement, which is free from obstructions, and which is of sufficient width for 2 or more lanes of moving vehicles, if vehicles on such street or roadway are moving in substantially continuous lanes of traffic.
 - d) The driver of a vehicle may overtake and pass another vehicle on the right only under conditions that permit such movement in safety. Such movement shall not be made by driving off the pavement or main-traveled portion of the roadway.
- 2) A person who violates this section is responsible for a civil infraction.

5.21. **Overtaking and Passing on Left; Restrictions; Violation as Civil Infraction.**

- 1) A vehicle shall not be driven to the left side of the center of a 2-lane street or in the center lane of a 3-lane street when overtaking and passing another vehicle proceeding in the same direction, unless such left side or center lane is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completed without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.
- 2) A person who violates this section is responsible for a civil infraction.

5.22. **Driving to the Left Side of Roadway Prohibited Under Certain Conditions; Violation as Civil Infraction.**

- 1) A vehicle shall not be driven to the left side of the roadway at any time in the following situations:
 - a) When approaching the crest of a grade or on a curve in the highway where the driver's view is obstructed so as to create a hazard if another vehicle is approaching from the opposite direction.
 - b) When the driver's view is obstructed when approaching within 100 feet of any bridge, viaduct, or tunnel.
- 2) The limitations set forth in subsection (1) a) and b) of this section do not apply when a vehicle is driven on a 1-way roadway.
- 3) A person who violates this section is responsible for a civil infraction.

5.23. **No Passing Zones; Violation as Civil Infraction.**

- 1) The driver of a vehicle shall not overtake and pass any vehicle in a no passing zone where official signs or markings on the roadway indicate the

beginning and end of such zone and when such signs or markings are in place and clearly visible to an ordinarily observant person.

- 2) A person who violates this section is responsible for a civil infraction.

5.24. **One-way Roadways; Violation as Civil Infraction.**

- 1) On a roadway or alley that is designated and signposted for 1-way traffic, a vehicle shall be driven only in the direction designated.
- 2) A person who violates this section is responsible for a civil infraction.

5.25. **Rotary Traffic Islands; Violation as Civil Infraction.**

- 1) A vehicle that is passing around a rotary traffic island shall be driven only to the right of such island.
- 2) A person who violates this section is responsible for a civil infraction.

5.26. **Driving on Roadways Laned For Traffic; Violation as Civil Infraction.**

- 1) When a roadway is divided into 2 or more clearly marked lanes for traffic, the following rules, in addition to all other rules consistent herewith, apply:
 - a) A vehicle shall be driven, as nearly as practicable, entirely within a single lane and shall not be moved from the lane until the driver has first made sure that the movement can be made with safety. On a roadway with 4 or more lanes which provides for 2-way movement of traffic, a vehicle shall be driven within the extreme right-hand lane, except when overtaking and passing, and shall not cross the center line of the roadway unless making a left turn.
 - b) On a roadway which is divided into 3 lanes and which provides for 2-way movement of traffic, a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle traveling in the same direction, when, in preparation for a left turn, the center lane is clear of traffic within a safe distance, or when the center lane is allocated exclusively to traffic moving in the same direction the vehicle is proceeding and the allocation is designated by official traffic-control devices.
 - c) Official traffic-control devices may be erected to direct specified traffic to use a designated lane or to designate those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway. Drivers of vehicles shall obey the directions of the devices.

- d) Official traffic-control devices may be installed which prohibit the changing of lanes on sections of roadway, and drivers of vehicles shall obey the direction of the devices.
 - e) This section shall not be construed to prohibit a vehicle traveling in the appropriate direction from traveling in any lane of a freeway having 3 or more lanes for travel in the same direction. A city, village, township, or county shall not enact an ordinance which regulates the same subject matter as any provision of this subsection.
- 2) A person who violates this section is responsible for a civil infraction.

5.27. **Driving on Divided Highways; Violation as Civil Infraction.**

- 1) When any highway has been divided into 2 roadways by leaving an intersection space or by a physical barrier or clearly indicated dividing section which is constructed to impede vehicular traffic, every vehicle shall be driven only on the right-hand roadway and a vehicle shall not park or be driven over, across, or within any such physical barrier or dividing section or space or at a crossover or intersection which is established by public authority. Crossovers on limited access highways shall not be used, except by such vehicles as provided in sections 3.6, 3.7, and 3.8 of this code and except by road service vehicles while going to or returned from servicing a disable vehicle and except as otherwise permitted by authorized signs. As used in this section, "road service vehicle" means a vehicle that is clearly marked and readily recognizable as a vehicle used to assist disabled vehicles.
- 2) A person who violates this section is responsible for a civil infraction.

5.28. **Limited Access Roadways; Violation as Civil Infraction.**

- 1) A person shall not drive a vehicle onto or from any limited-access roadway, except at such entrances and exits as are established by public authority.
- 2) A person who violates this section is responsible for a civil infraction.

5.28a. **Limited Access Highway; Pedestrians and Certain Vehicles Prohibited; Violation as Civil Infraction.**

- 1) A person shall not operate a moped or motorcycle with less than a 125 cubic centimeter engine, a farm tractor, or other self-propelled farm implement, nor shall any pedestrian, bicycle, or other non-motorized traffic be permitted, on any limited access highway in this state.
- 2) A person who violates this section is responsible for a civil infraction.

5.29. **Following Too Closely; Violation as Civil Infraction.**

- 1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent considering the speed of such vehicle and the traffic on, and the condition of, the street.
- 2) A person who violates this section is responsible for a civil infraction.

5.30. **Following Fire Apparatus Prohibited; Violation as Civil Infraction.**

- 1) The driver of any vehicle, other than an authorized emergency vehicle on official business, shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet and shall not drive or park such vehicle within 500 feet where fire apparatus has stopped in answer to a fire alarm.
- 2) A person who violates this section is responsible for a civil infraction.

5.31. **Required Positions and Method of Turning at Intersections; Violation as Civil Infraction.**

- 1) The driver of a vehicle who intends to turn at an intersection shall do so as follows:
 - a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
 - b) Left turns on 2-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line thereof and by passing to the right of such center line where it enters the intersection and, after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. When practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
 - c) Left turns on other than 2-way roadways. At any intersection where traffic is restricted to 1 direction on 1 or more of the roadways, the driver a vehicle who intends to turn left at any such intersection shall approach the intersection in the extreme left-hand lane which is lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane which is lawfully available to traffic moving in such direction on the roadway being entered.

- 2) A person who violates this section is responsible for a civil infraction.

5.32. **Obedience to Turn Markers; Violation as Civil Infraction.**

- 1) When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, a driver of a vehicle shall not disobey the directions of such indications.
- 2) A person who violates this section is responsible for a civil infraction.

5.33. **Obedience to No-Turn Signs; Violation as Civil Infraction.**

- 1) When authorized signs are erected indicating that right, left, or U-turns are not permitted, a driver of a vehicle shall not disobey the directions of any such sign.
- 2) A person who violates this section is responsible for a civil infraction.

5.34. **Limitations on Turning Around; Violation as Civil Infraction.**

- 1) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction on any street in a business district and shall not, on any other street, so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.
- 2) A person who violates this section is responsible for a civil infraction.

5.35. **Signals for Stopping or Turning; Violation as Civil Infraction.**

- 1) The driver of a vehicle or bicycle on a highway, before stopping or turning from a direct line, shall first see that the movement can be made in safety and shall give a signal as required in this section.
- 2) The signal required in this section shall be given either by means of the hand and arm, in the manner herein specified, or by a mechanical or electrical signal device which conveys a clear signal or warning to other highway traffic, except as provided in subsection (3) of this section. when a signal is given by means of hand and arm, the driver shall indicate his or her intention to stop or turn by extending his or her hand and arm from and beyond the left side of the vehicle and signal as follows:
 - a) Left turn-Hand and arm extended horizontally.
 - b) Right turn-Hand and arm extended upward.
 - c) Stop or decrease speed - Hand and arm extended downward.

- 3) A commercial motor vehicle, other than one in transit from a manufacturer to a dealer, in use on a highway shall be equipped with, and the required signal shall be given by, a signal light or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the commercial motor vehicle is more than 24 inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof is more than 14 feet. The latter measurement shall apply to a single vehicle or combination of vehicles.
- 4) A person who violates this section is responsible for a civil infraction.

5.36. **Stop Signs; Violation as Civil Infraction.**

- 1) Except when directed to proceed by a police officer, the driver of a vehicle that is approaching a stop intersection indicated by a stop sign, shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, shall stop at a clearly marked stop line or, if none, shall stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when the driver would be moving across or within the intersection.
- 2) A person who violates this section is responsible for a civil infraction.

5.36a. **Right-of-Way at Merging Highways; Violation as Civil Infraction.**

- 1) When a vehicle approaches the intersection of a highway from an intersecting highway or street which is intended to be, and is constructed as, merging highway or street and which is plainly marked at such intersection with appropriate merge signs, the vehicle shall yield the right-of-way to any vehicle so close as to constitute an immediate hazard on the highway about to be entered and the vehicle's speed shall be adjusted to enable the vehicle to merge safely with the through traffic.
- 2) A person who violates this section is responsible for a civil infraction.

5.37. **Emerging from Alley, Driveway, or Building; Violation as Civil Infraction.**

- 1) The driver of a vehicle that is emerging from an alley, driveway, or building shall stop such vehicle immediately before driving onto a sidewalk or onto the sidewalk are extending across any alleyway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

- 2) A person who violates this section is responsible for a civil infraction.

5.38. **Entering Intersection or Crosswalk; Obstructing Traffic Prohibited; Violation as Civil Infraction.**

- 1) A driver shall not enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

- 2) A person who violates this section is responsible for a civil infraction.

5.41. **Right-of-Way at Intersection; Violation as Civil Infraction.**

- 1) The driver of a vehicle that is approaching an intersection shall yield the right-of-way to a vehicle that has entered the intersection from a different highway.
- 2) When 2 vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- 3) The driver of any vehicle that is traveling at an unlawful speed shall forfeit any right-of-way to the vehicle on the right.
- 4) The right-of-way rules set forth in subsections (1) and (2) of this section are modified at through highways and as otherwise stated in this code.
- 5) A person who violates this section is responsible for a civil infraction.

5.42. **Yield Right-of-Way Signs; Violation as Civil Infraction.**

- 1) The driver of a vehicle that is approaching a yield sign, in obedience to such sign, shall slow down to a speed which is reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver would be moving across or within the intersection. However, if required for safety to stop, the driver shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersection roadway.
- 2) The driver of any vehicle that is traveling at an unlawful speed shall forfeit any right-of-way which he or she might otherwise have under this code.
- 3) A person who violates this section is responsible for a civil infraction.

5.43. **Right-of-Way: Vehicle Turning Left at Intersection; Violation as Civil Infraction.**

- 1) The driver of a vehicle within an intersection who intends to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or which is so close thereto as to constitute an immediate hazard, but the driver having so yielded and having given a signal when and as required by this code, may make such left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn, however, at an intersection at which a traffic signal is located, a driver who intends to make a left turn shall permit vehicles bound straight through in the opposite direction which are awaiting a go signal to pass through the intersection.
- 2) A person who violates this section is responsible for a civil infraction.

5.44. **Funeral Procession; Right-of-Way; Violation as Civil Infraction.**

- 1) A motor vehicle that is part of a funeral procession going to a place of burial has the right-of-way over all other vehicles, except for fire apparatus, ambulances, police patrol vehicles, at a street or highway intersection within this state if the vehicle in the funeral procession displays a flag which is fluorescent orange in color. The lead vehicle and the last vehicle in the funeral procession may carry an additional flag. A flag shall not contain a name embossed or printed on it, but may contain the word "funeral".
- 2) A person who passes through a funeral procession of motor vehicles, designated pursuant to subsection (1) of this section, with a vehicle of any kind is responsible for a civil infraction.
- 3) A funeral procession going to a place of burial may make a direct left turn from one public roadway to another at locations where signing has been placed to specifically prohibit this left turn for other motor vehicles.

5.45. **Driving Through a Funeral or other Procession Prohibited; Exception; Violation as Civil Infraction.**

- 1) A driver of a vehicle shall not drive through the vehicles, person, or animals comprising a funeral or other authorized procession while such funeral or other procession is in motion, except when otherwise directed by a police officer.
- 2) A person who violates this section is responsible for a civil infraction.

5.46. **Drivers in a Procession; Violation as Civil Infraction.**

- 1) Each driver in a funeral or other authorized procession shall drive as near the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.
- 2) A person who violates this section is responsible for a civil infraction.

5.47. **Parades and Processions; Permit Required; Violation as Misdemeanor.**

- 1) A procession or parade, other than a procession or parade of the forces of the United States armed services, the military forces of this state, and the forces of the police and fire departments, shall not occupy, march, or proceed along any roadway, unless pursuant to a permit issued by the chief of police and unless the procession or parade is in accordance with other regulations as are set forth in this code.
- 2) A person who violates this section is guilty of a misdemeanor.

5.48. **Driving on Sidewalk Prohibited; Violation as Misdemeanor.**

- 1) The driver of a vehicle shall not drive on or within any sidewalk area, except at a driveway.
- 2) A person who violates this section is guilty of a misdemeanor.

5.49. **Limitations on Backing; Violation as Civil Infraction.**

- 1) The driver of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic.
- 2) A vehicle shall not be backed a distance of more than 60 feet.
- 3) A vehicle shall not be backed into an intersection; except that a vehicle may be backed into an intersection when it is not otherwise possible to turn about and when such movement can be made safely without interfering with other traffic.
- 4) A person who violates this section is responsible for a civil infraction.

5.50. **Driving Over Fire Hose Prohibited; Violation as Civil Infraction.**

- 1) A vehicle shall not be driven over any unprotected fire hose of a fire department without the consent of the fire department official in command.
- 2) A person who violates this section is responsible for a civil infraction.

5.52. **Driving Through or Over a Safety Zone Occupied by People Prohibited; Violation as Civil Infraction.**

- 1) The driver of a vehicle shall not at any time drive through or over a safety zone when such safety zone contains any person therein.
- 2) A person who violates this section is responsible for a civil infraction.

5.53. **Avoidance of traffic-control devices prohibited; violation as civil infraction.**

- 1) A driver of a vehicle shall not attempt to avoid obedience to any traffic-control device by driving on or through any private property.
- 2) A person who violates this section is responsible for a civil infraction.

5.54. **Splashing Prohibited; Violation as Civil Infraction.**

- 1) A driver of a motor vehicle shall not recklessly, willfully, wantonly, or carelessly operate his or her vehicle in such manner as to splash snow, rain, water, mud, dirt, or debris on any person who is on a sidewalk, crosswalk, or safety zone.
- 2) A person who violates this section is responsible for a civil infraction.

5.55. **Deposit of Litter on Streets Prohibited; Violation as Misdemeanor.**

- 1) A person shall not, without the consent of the public authority having supervision of the street, deposit, place, dump, throw or leave, or cause or permit dumping, depositing, placing, throwing, or leaving of any destructive or injurious material, any rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, or debris on any street.
- 2) A person who throws or drops, or permits to be thrown or dropped, on a street any of the material or matter listed in subsection 1 of this section shall immediately remove it or cause it to be removed.
- 3) It shall be unlawful for any person, firm or corporation to deposit upon any street any snow, mud, dirt, or other material which may be harmful to the pavement thereof or may do injury to any person, animal or property.
- 4) Any person, firm or corporation who deposits upon any street the materials listed in subsection 3 shall immediately remove it or cause it to be removed. In the event such person, firm or corporation fails to remove such materials, the city shall do so and the cost thereof shall be charged to the responsible person, firm or corporation.
- 5) The violation of this section is punishable as a misdemeanor.

5.55a. **Throwing Objects At or Into Paths of Vehicles Prohibited; Violation As Misdemeanor.**

- 1) A person shall not knowingly cause any litter or any object to fall or to be thrown into the path of or to hit a vehicle traveling on a street.
- 2) The violation of this section is punishable by a fine of not more than \$500.00 or not more than 1 year in county jail, or both. A person who violates this section is guilty of a misdemeanor.

5.55b. **Definitions: Removal or deposit of Snow, Ice, or Slush Which Obstructs Safety Vision Prohibited; Deposit of Snow, Ice, or Slush Prohibited; Violation as Misdemeanor.**

- 1) As used in this section, "safety vision: means an unobstructed line of sight which enables a driver to travel on, enter, or exit a roadway in a safe manner.
- 2) A person shall not remove, or cause to be removed, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle other than an off-road vehicle.
- 3) A person shall not deposit, or cause to be deposited, snow, ice, or slush onto or across a roadway or the shoulder of the roadway in a manner which obstructs the safety vision of the driver of a motor vehicle.
- 4) A person shall not deposit, or cause to be deposited, snow, ice, or slush on any roadway or highway.
- 5) A person who violates this section is guilty of a misdemeanor.

5.56. **Removal of Wrecked or Damaged Vehicles; Violation as Misdemeanor.**

- 1) A person who removes a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped on the street from the vehicle.
- 2) The violation of this section is punishable as a misdemeanor.
- 3) A person who violates this section is guilty of a misdemeanor which is punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days or both.

5.57. **Spilling Loads on Streets Prohibited; Violation as Misdemeanor.**

- 1) A vehicle shall not be driven or moved on any street unless the vehicle is constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.
- 2) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this section.
- 3) No vehicle shall be operate or parked on the street or on public or private property unless such vehicle is so constructed or loaded as to prevent its contents from escaping therefrom.
- 4) No vehicle shall be operated on the streets in such a manner that substances fall off or are blown off, and all such vehicles, when necessary, shall have an adequate covering to prevent the contents from falling on the street.
- 5) A person who violates this section is guilty of a misdemeanor which is punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.

5.58. **Requirements When Leaving Motor Vehicle Unattended; Violation as Civil Infraction.**

- 1) A person who has control or charge of a motor vehicle shall not allow such vehicle to stand unattended on any street or any other place without first stopping the engine, locking the ignition, removing and taking possession of the ignition key, effectively setting the brakes thereon, and, when standing on any grade, turning the front wheels of such vehicle to the curb or side of the street. The provisions of this section that pertain to the locking of the ignition and removing and taking possession of the ignition key do no apply to motor vehicles that are manufactured with an ignition system which does not have a key and which is incapable of being locked.
- 2) A person who violates this section is responsible for a civil infraction.

5.59. **Interference with Driver's View or Control Prohibited; Violation as Civil Infraction.**

- 1) A person shall not drive a vehicle if it is loaded in a manner, or if the front seat is occupied by such number of persons, so as to obstruct the view of the driver to the front or sides of the vehicle or so as to interfere with the driver's control over the driving mechanism of the vehicle.
- 2) A person who violates this section is responsible for a civil infraction.

5.60. **Position of Passengers; Violation as Civil Infraction.**

- 1) Passengers in a vehicle shall not ride in a position which interferes with the driver's view ahead or to the sides or which interferes with his or her control over the driving mechanism of the vehicle.
- 2) A person who violates this section is responsible for a civil infraction.

5.60a. **Riders Leaning Out of Vehicles.** No person shall ride in, on, or operate any motor vehicle unless such person's body is within that portion of the vehicle designated for the carrying of passengers or merchandise, or as otherwise permitted by this ordinance; provided, however, that this section does not apply to any person whose employment makes it necessary to ride otherwise.

5.61. **Operating, Stopping, Standing, Or Parking Truck or Commercial Vehicle with Gross Weight Of More Than Signed Limits Prohibited; Violation as Civil Infraction.**

- 1) When signs are erected that give notice of weight limits, a person shall not operate, stop, stand, or park any truck or commercial vehicle with a gross weight of more than the amounts specified on the signs at any time on any of the streets or parts of streets on which such signs have been posted.
- 2) A person who violates this section is responsible for a civil infraction.

5.62. **Driver's License Required; Motorcycle Endorsement; Change of Residence; Violation as Misdemeanor.**

- 1) A person who is not licensed as an operator or chauffeur, as required by the act, shall not operate a motor vehicle on the streets or highways of this governmental unit.
- 2) A person who operates a motorcycle shall have a motorcycle endorsement on his or her operator's or chauffeur's license.
- 3) An operator or chauffeur who changes his or her residence before the expiration of his or her license shall immediately take the license to the local examining board or to the secretary of state, where the new address and the date of the changes shall be entered on the back of the license.
- 4) Before operating a moped on a highway, a person shall procure a special restricted license to operate a moped, unless the person has a valid operator's or chauffeur's license. A special restricted license to operate a moped may be issued to a person who is 15 years of age or older, if the person satisfies the office of the secretary of state that he or she is competent to operate a moped with safety. The secretary of state shall not require a road test before issuing a special restricted license to operate a moped.

- 5) Before operating a single vehicle weighing over 24,000 pounds gross vehicle weight or a bus or school bus, a person shall procure a class 1 endorsement on his or her operator's or chauffeur's license. Before operating a combination of vehicles weighing over 24,000 pounds gross vehicle weight or a vehicle towing a vehicle weighing over 10,000 pounds gross vehicle weight, a person shall procure a class 2 endorsement on his or her operator's or chauffeur's license. The license shall be issued, suspended, revoked, canceled, or renewed pursuant to the act.
- 6) A person who violates sub-sections 1, 2, 4 or 5 is guilty of a misdemeanor. A violation of sub-section 3 is a civil infraction

(Rev. 08-05-2002)

5.62a.

Operation of Motor Vehicle by Person Whose License Suspended, Revoked, Denied, or Who Has Never Applied for License; Violations; Penalties; Subsequent Offenses; Confiscation of Plates.

- 1) A person whose operator's or chauffeur's license or registration certificate has been suspended or revoked and who has been notified as provided in MCL 257.212 of that suspension or revocation, whose application for license has been denied, or who has never applied for a license, shall not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the City of Troy.
- 2) A person shall not knowingly permit a motor vehicle owned by the person to be operated upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within the City of Troy by a person whose license or registration certificate is suspended or revoked, whose application for license has been denied, or who has never applied for a license.
- 3) Except as otherwise provided in this section, a person who violates subsection (1) or (2) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both. Unless the vehicle was stolen or used with the permission of a person who did not knowingly permit an unlicensed driver to operate the vehicle, the registration plates of the vehicle shall be canceled by the secretary of state upon notification by a peace officer.
- 4) Before a person is arraigned before a district court magistrate or judge on a charge of violating this section, the arresting officer shall obtain the person's driving record from the secretary of state and shall furnish the record to the court. The driving record of the person may be obtained from the secretary of state's computer information network.

- 5) This section does not apply to a person who operates a vehicle solely for the purpose of protecting human life or property if the life or property is endangered and summoning prompt aid is essential.
- 6) A person whose vehicle group designation is suspended or revoked and who has been notified as provided in MCL 257.212 of that suspension or revocation, or whose application for a vehicle group designation has been denied, or who has never applied for a vehicle group designation and who operates a commercial motor vehicle within the City of Troy while any of those conditions exist is guilty of a misdemeanor punishable, except as otherwise provided in this section, by imprisonment for not less than 3 days or more than 93 days or a fine of not more than \$100, or both.
- 7) For purposes of this section, a person who never applied for a license includes a person who applied for a license, was denied, and never applied again.

(Rev. 10-04-1999)

5.62b. **Order of Impoundment.**

- 1) When a person is convicted under section 5.62a(l) of operating a motor vehicle while his or her license to operate a motor vehicle is suspended, revoked, or denied, the motor vehicle, if it is owned in whole or in part-by that person, may be ordered impounded for not less than 30 or more that 120 days from the date of judgment. The order of impoundment shall include the implied consent of the owner of the vehicle to the storage for insurance coverage purposes.

The owner of a motor vehicle impounded pursuant to this section is liable for expenses incurred in the removal and storage of the vehicle whether or not the vehicle is returned to him or her. The vehicle shall be returned to the owner only if the owner pays the expenses for removal and storage. If redemption is not made or the vehicle is not returned as provided in this section within 30 days after the time set in the impoundment order for return of the vehicle, the vehicle shall be considered an abandoned vehicle and disposed of as provided in section 2.5a(9)-(12) of Chapter 106 of the Troy City Code.

- 2) Nothing in this section affects the rights of a conditional vendor, chattel mortgagee or lessor of a motor vehicle registered in the name of another person as owner who becomes subject to this section.

(Rev. 12-23-1991)

- 5.63. **Possession and Display of License; Violation Punishable as Misdemeanor.**
- 1) Every driver shall have his or her operator's or chauffeur's license in his or her immediate possession at all times when driving a motor vehicle and shall display the license on demand of any police officer.
 - 2) The violation of this section is punishable as a misdemeanor.
- 5.63a. **License Restrictions; Violation Punishable as Misdemeanor.**
- 1) A person shall not drive a motor vehicle in violation of the restrictions imposed on his or her license by the secretary of state.
 - 2) The violation of this section is punishable as a misdemeanor.
- 5.63b. A person shall have his or her graduated licensing status in his or her immediate possession at all times when operating a motor vehicle, and shall display the card upon demand of a police officer. A person who violates this subsection is responsible for a civil infraction.
- (Rev. 12-15-1997)
- 5.63c. A person issued a level 1 graduated licensing status may operate motor vehicle only when accompanied either by a licensed parent or legal guardian or, with the permission of the parent or legal guardian, a licensed driver 21 years of age or older. A person who violates this section is responsible for a civil infraction.
- (Rev. 12-15-1997)
- 5.63d. A person issued a level 2 graduated licensing status shall not operate a motor vehicle within this state from 12 midnight to 5 a.m. unless accompanied by a parent or legal guardian or a licensed driver over the age of 21 designated by the parent or legal guardian, or except when going to or from employment. A person who violates this section is responsible for a civil infraction.
- (Rev. 12-15-1997)
- 5.64. **Unlawful Use of License; Violation Punishable as Misdemeanor.**
- 1) It is unlawful for any person to display or cause or permit to be displayed or to have in his or her possession any operator or chauffeur's license knowing the same to be fictitious or to have been canceled, revoked, suspended, or altered.
 - 2) The violation of this section is punishable as a misdemeanor.

5.65. **License Lending to, or Permitting Use by, Person Not Entitled; Violation Punishable as Misdemeanor.**

- 1) It is unlawful for any person to lend his or her chauffeur's or operator's license to, or knowingly permit use of the license by, one who is not entitled thereto.
- 2) The violation of this section is punishable as a misdemeanor.

5.66. **Unlawful Display or Representation of License; Violation Punishable as Misdemeanor.**

- 1) It is unlawful for any person to display or to represent as one's own any operator's or chauffeur's license which has not been issued to the person so displaying the license.
- 2) The violation of this section is punishable as a misdemeanor.

5.67. **Instruction Permit; Violation Punishable as Misdemeanor.**

- 1) It is unlawful for an operator who holds an instruction permit to operate a motor vehicle unless accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver.
- 2) The violation of this section is punishable as a misdemeanor.

5.68. **Authorizing or Permitting Unlicensed Driver to Operate Vehicle Prohibited; Violation Punishable as Misdemeanor.**

- 1) A person shall not knowingly authorize or permit a motor vehicle owned by him or her or under his or her control to be driven by any person who is unlicensed to drive such a vehicle.
- 2) The violation of this section is punishable as a misdemeanor.

5.69. **Registration Plates Required; Violation Constitutes a Civil Infraction.**

- 1) A person shall not operate or park on the streets of the City of Troy any vehicle which is required to be registered pursuant to state law, unless the vehicle bears valid registration plates issued for it. A person who violates this section is responsible for a civil infraction.

(Rev. 09-22-2003)

5.69a **Registration Plates; Attachment, Display; Violation Constitutes A Civil Infraction.**

- 1) A registration plate issued for a vehicle shall be attached to the rear of the vehicle, except that a registration plate issued for a truck tractor or road tractor shall be attached to the front of that vehicle. A person who violates this section is responsible for a civil infraction.
- 2) A registration plate shall be securely fastened in a horizontal position to the vehicle for which the plate is issued so as to prevent the plate from swinging. The plate shall be attached at a height of not less than 12 inches from the ground, measured from the bottom of the plate, in a place and position which is clearly visible. The plate shall be maintained free from foreign materials that obscure or partially obscure the registration information, and in a clearly legible condition. A person who violates this section is responsible for a civil infraction.
- 3) A registration plate and the expiration tab on the registration plate shall conform to the color, contrast and design designated by the Michigan Secretary of State or, if from a state other than Michigan, the registration plate and tab must conform to that state's requirements for color, contrast and design. A person who violates this section is responsible for a civil infraction.
- 4) A person shall not attach a name plate, insignia, or advertising device to a motor vehicle registration plate that obscures or partially obscures the registration information. A person who violates this section is responsible for a civil infraction.
- 5) A person shall not operate a motor vehicle which has a name plate, insignia, or advertising device attached to a motor vehicle registration plate in a manner which obscures or partially obscures the registration information. A person who violates this section is responsible for a civil infraction.

(Rev. 09-22-2003)

5.70. **Registration Certificate; Possession; Display; Violation as Civil Infraction.**

- 1) The certificate of registration shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer. A person who violates this section is responsible for a civil infraction.

(Rev. 07-07-2008)

5.70a. **Registration; Title; Change of Address; Notice; Violation as Civil Infraction.**

- 1) If a person, after making application for or obtaining the registration of a vehicle or a certificate of title, moves from the address named in the application and shown on a registration certificate or certificate of title, the person, within 10 days after moving, shall notify the secretary of state in writing, and shall include both the old and new address. A person who violates this section is responsible for a civil infraction.

(Rev. 09-22-2003)

5.70b. **Production of Evidence of Insurance; Certificate of Insurance; Violations and Penalties; Exemptions.**

- 1) The owner of a motor vehicle who operates or permits the operation of the motor vehicle upon the highways of this state or the operator of the motor vehicle shall produce, pursuant to subsection (2), upon the requests of a police officer, evidence that the motor vehicle is insured under chapter 31 of Act No. 218 of the Public Acts of 1956, as amended, being sections 500.3101 to 500.3179 of the Michigan Compiled Laws. An owner or operator of a motor vehicle who fails to produce evidence under this subsection when requested to produce that evidence is responsible for a civil infraction.
- 2) A certificate of insurance, if issued by an insurance company, which certificate states that security which meets the requirements of sections 3101 and 3102 of Act No. 218 of the public Acts of 1956, as amended, being sections 500.3101 and 500.3102 of the Michigan Compiled laws, is in force shall be accepted as prima facie evidence that insurance is in force for the motor vehicle described in the certificate of insurance until the expiration date shown on the certificate. The certificate, in addition to describing the motor vehicles for which insurance is in effect, shall state the name of each person named on the policy, policy declaration, or a declaration certificate whose operation of the vehicle would cause the liability coverage of that insurance to become void.
- 3) If an owner of a motor vehicle is determined to be responsible for a violation of subsection (1), the court in which the civil infraction determination is entered may require the person to surrender his or her operator's or chauffeur's license unless proof that the vehicle has insurance meeting the requirements of section 3102 of Act No. 218 to the Public Acts of 1956, as amended, being Section 500.3102 of the Michigan Compiled Laws, is submitted to the court. If the court requires the license to be surrendered, the court shall order the secretary of state to suspend the person's license and shall forward the surrendered license and a certificate of civil infraction to the secretary of state. Upon receipt of the certificate of civil infraction and the surrendered license, the secretary of state shall suspend the person's license beginning with the date on which a person is determined to be responsible for the civil infraction, for a

period of 30 days or until proof of insurance which meets the requirements of section 3102 of Act No. 218 of the Public Acts of 1956, as amended, is submitted to the secretary of state, whichever occurs later. If the license is not forwarded, an explanation of the reason why it is not forwarded shall be attached. A person who submits proof of insurance to the secretary of state under this subsection shall pay a service fee of \$10.00 to the secretary of state. The person shall not be required to be examined as set forth in section 320c of Acts No. 300 of the Public Acts of 1949, as amended, being Section 257.320c.

- 4) An owner or operator of a motor vehicle who knowingly produces false evidence under this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$500-00, or both.
- 5) Points shall not be entered on a driver's record pursuant to section 320a of Act No. 300 of the Public Acts of 1949, as amended, being Section 257.320a for a violation of this section.
- 6) This section does not apply to the owner or operator of a motor vehicle that is registered in a state other than this state or a foreign country or province.

(Rev. 03-17-1992)

5.70c.

Mandatory Motor Vehicle Insurance; Penalties; Failure to Produce Evidence; Rebuttable Presumption.

- 1) A nonresident owner or registrant of a motor vehicle or motorcycle not registered in the State of Michigan shall not operate or permit the motor vehicle or motorcycle to be operated in the State of Michigan for an aggregate of more than 30 days in any calendar year unless he or she continuously maintains security for the payment of benefits pursuant to MCL 500.3004 through MCL 500.3037.
- 2) An owner or registrant of a motor vehicle or motorcycle with respect to which security is required, who operates the motor vehicle or motorcycle or permits it to be operated upon a public highway or place open to the public in the City of Troy, without having in full force and effect security complying with MCL 500.3101, MCL 500.3102 or MCL 500.3103 is guilty of a misdemeanor. A person who operates a motor vehicle or motorcycle upon a public highway in the City of Troy with the knowledge that the owner or registrant does not have security in full force and effect is guilty of a misdemeanor. A person convicted of a misdemeanor under this section shall be fined not more than \$500.00, imprisoned for not more than 90 days, or both.

- 3) The failure of a person to produce evidence that a motor vehicle or motorcycle has in full force and effect security complying with this MCL 500.3101, MCL 500.3102 or MCL 500.3103 on the date of the issuance of the citation, creates a rebuttable presumption in a prosecution under subsection (2) that the motor vehicle or motorcycle did not have in full force and effect security complying with MCL 500.3101, MCL 500.3102 or MCL 500.3103 on the date of the issuance of the citation.

(Rev. 03-13-1995)

5.71. **Driving or Moving Unsafe Vehicles Prohibited; Violation as Civil Infraction.**

- 1) A person shall not drive or move, and an owner shall not cause or knowingly permit, to be driven or moved on any street, any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, which does not contain those parts, or is not at all times equipped with such lamps and other equipment in proper condition and adjustment, as required by this code, or which is equipped in any manner in violation of this code.
- 2) A person who violates this section is responsible for a civil infraction.

5.71a. **Equipment, Exceptions.** The provisions of this code or of the act with respect to equipment on vehicles does not apply to implements of husbandry, road machinery, road rollers, or farm tractors, except as made applicable by this code or by the act.

5.72. **Additional Parts and Accessories.** Nothing contained in this code shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this code or the laws of this state.

5.73. **Lights Required; Violation as Civil Infraction.**

- 1) Every vehicle on a street within this governmental unit shall be equipped with lights which shall be lighted pursuant to the provisions of the act.
- 2) A person who violates this section is responsible for a civil infraction.

5.73a. **Dimming Lights; Violation as Civil Infraction.**

- 1) When the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use a distribution of light or composite beam which is aimed so that the glaring rays are not projected into the eyes of the oncoming driver.
- 2) A person who violates this section is responsible for a civil infraction.

5.74.1 **Spot Lamps; Fog Lamps; Violation as Civil Infraction.**

- 1) A motor vehicle may be equipped with not more than 2 spot lamps, except that a motorcycle shall not be equipped with more than 1 spot lamp. Every lighted spot lamp shall be aimed and used upon approaching another vehicle so that part of the beam is not directed into the eyes of the approaching driver. Spot lamps shall not emit light that is other than white or amber.
- 2) A motor vehicle may be equipped with not more than 2 fog lamps mounted on the front at a height of not less than 12, but not more than 30 inches above the level surface on which the vehicle stands. The fog lamps shall be aimed so that, when the vehicle is not loaded, none of the high-intensity portion of the light to the left of the center of the vehicle, at a distance of 25 feet ahead, projects higher than a level of 4 inches below the level of the center of the lamp from which it is emitted. Lighted fog lamps that meet the requirements of this subsection may be used with lower head lamp beams.
- 3) A person who violates this section is responsible for a civil infraction.

5.76. **Running Board Courtesy Lamps; Cowl or Fender Lamps; Backing Lights; Additional Lamps or Reflectors; Flashing, Rotating, or Oscillating Lights; Warning Lamps, Violation as a Civil Infraction or Misdemeanor.**

- 1) A motor vehicle may be equipped with not more than 2 side cowl or fender lamps that emit an amber or white light without glare.
- 2) A motor vehicle may be equipped with not more than 1 running board courtesy lamp on each side that emits a white or amber light without glare.
- 3) Backing lights that emit red, amber, or white light may be mounted on the rear of a motor vehicle if the switch that controls the light is arranged so that it may be turned on only when the vehicle is in reverse gear. When unlighted, the backing lights shall be covered or otherwise arranged so as not to reflect objectionable glare in the eyes of drivers of vehicles approaching from the rear.
- 4) Lamps or reflectors on a vehicle, other than those expressly required or permitted by the provisions of this chapter shall, if visible from the front, display or reflect a white or amber light if visible from either side, display or reflect an amber or red light; and if visible from the rear, display or reflect a red light, except as otherwise provided by law.
- 5) The use or possession of flashing, oscillating, or rotating red, blue, or amber lights is prohibited, except under the following circumstances:

- a) Publicly owned police vehicles shall be equipped with flashing, rotating, or oscillating red or blue lights for use in the performance of police duties.
- b) Publicly owned fire vehicles and ambulances that are available for public use or for use by the United States, this state, or any unit thereof, whether publicly or privately owned, shall be equipped with flashing, rotating, or oscillating red lights and shall be used as required by safety.
- c) School buses shall be equipped with flashing red lights which shall be actuated by the driver only when the school bus is stopped or is stopping on a highway in accordance with section 682 of the act.
- d) When authorized by the department of state police, private motor vehicles owned by volunteer or paid firemen, volunteer ambulance drivers, or licensed ambulance drivers or attendants may be equipped with flashing, rotating, or oscillating red lights for use when responding to an emergency call if, when in use, the flashing, rotating, or oscillating red lights are mounted on the roof section of the vehicle, either as a permanent installation or by means of suction cups or magnets, and are clearly visible in a 360 degree arc from a distance of 500 feet. A person who operates lights under this subsection at any time other than when responding to an emergency call is guilty of a misdemeanor.
- e) Flashing, rotating, or oscillating amber lights that are placed in such position as to be visible throughout an arc of 360 degrees shall be used by state, county, or municipal vehicles which are engaged in the removal of ice, snow, or other material from the highway and in other operations designed to control ice and snow.
- f) Vehicles that are used to perform public utility services, automobile service cars and wreckers, vehicles engaged in authorized highway repair or maintenance, vehicles of peace officers, vehicles operated by rural letter carriers, vehicles utilized for snow removal, and farm tractors may be equipped with flashing, rotating, or oscillating amber lights. However, wreckers may be equipped with flashing, rotating, or oscillating red lights which shall be activated only when a wrecker is engaged in removing or assisting vehicles at the scene of a traffic accident or disablement. The flashing, rotating, or oscillating amber lights shall not be activated, except in those circumstances when the warning produced by the light is required for public safety.
- g) Any lights or reflectors on a vehicle, except when otherwise authorized by this code or Michigan state law, shall, if visible from the front, display or reflect a white or amber light; if visible from either side, display or reflect an amber light; and if visible from the rear, display or reflect a red light.

- h) Police vehicles, ambulances, and fire vehicles may display a flashing, rotating, or oscillating white light in conjunction with an authorized emergency light as prescribed in this section.
 - i) A private motor vehicle of a physician who is responding to an emergency call may be equipped with, and the physician may use, flashing, rotating, or oscillating red lights which are mounted on the roof section of the vehicle, either as a permanent installation or by means of magnets or suction cups, and which are clearly visible in a 360 degree arc from a distance of 500 feet when in use. The physician shall first obtain written authorization from the county Sheriff.
 - j) A person who is engaged in the manufacture, sale, or repair of flashing, rotating, or oscillating lights governed by this subsection may possess such lights for purposes of his or her employment, but shall not activate them on the highway unless authorized to do so under the provisions of subsection (6) of this section.
- 6) A person shall not sell, loan, or otherwise furnish a flashing, rotating, or oscillating blue or red light which is designed primarily for installation on an authorized emergency vehicle to any person, except a duly constituted police officer, sheriff, deputy sheriff, authorized physician, volunteer or paid fireman, volunteer ambulance driver, or licensed ambulance driver or attendant of this state or a county or municipality within the state, or a person who is engaged in the business of operating an ambulance or wrecker service. This subsection does not prohibit an authorized vehicle that is equipped with flashing, rotating, or oscillating blue or red lights from being operated by a person other than as described in this section, if the person receives authorization to operate the emergency vehicle from a policeman, sheriff, deputy sheriff, volunteer or paid fireman, volunteer ambulance driver, licensed ambulance driver or attendant, authorized physician, or person who operates an ambulance or wrecker service, except that the authorization shall not permit the person to operate lights as described in subsection (5) a), b), (d), (g), or (h) of this section or to exercise the privileges described in section 603 of the act. A person who operates an authorized emergency vehicle in violation of the terms of such authorization is guilty of a misdemeanor.
- 7) This section shall not be construed to prohibit, restrict, or limit the use of lights that are authorized or required under sections 697, 697a, and 698a of the act.
- 8) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing and, when so equipped, may display such warning in addition to any other warning signals required by law. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously

flashing white or amber lights or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and shall show simultaneously flashing amber or red lights or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than 500 feet under normal atmospheric conditions at night.

- 10) A person who violates subsections (1), (2), (3), (4), or (8) of this section is responsible for a civil infraction. Violations of subsections (5) or (6) of this section are misdemeanors.

5.77. **Slow-Moving Vehicle; Reflective Devices Required; Violation as Civil Infraction.**

- 1) When operated on the highway, a vehicle which has a maximum potential speed of 25 miles an hour, an implement of husbandry, a farm tractor, or special mobile equipment shall be identified with a reflective device as follows:
 - a) An equilateral triangle in shape which is not less than 16 inches wide at the base and not less than 14 inches in height and which has a dark red border that is not less than 1 3/4 inches wide and is made of highly reflective beaded material.
 - b) A center triangle which is not less than 12 1/4 inches on each side and which is made of yellow-orange fluorescent material.
 - c) The device shall be mounted on the rear of the vehicle, broad base down, not less than 3, nor more than 5 feet above the ground and as near the center of the vehicle as possible. The use of this reflective device is restricted to use on slow-moving vehicles specified in this section. Use of such reflective device on any other type of vehicle or stationary object on the highway is prohibited.
- 2) A person who violates this section is responsible for a civil infraction.

5.78. **Turn Signal Requirements; Violation as Civil Infraction.**

- 1) A person shall not sell, offer for sale, or operate on any street any vehicle manufactured or assembled after January 1, 1955, except for those vehicles exempted from certificate of title requirements under the provisions of the act, unless the vehicle is equipped with mechanical or electrical turn signals which meet the requirements of the act. This section does not apply to a motorcycle or a moped.
- 2) A person who violates this section is responsible for a civil infraction.

5.78a. Stop Lamp Requirements; 'Violation as Civil Infraction.

- 1) A person shall not sell, offer for sale, or operate on the highway any vehicles manufactured or assembled after January 1, 1965, except for those exempted from certificate of title requirements under the provisions of the act, unless the vehicle is equipped with 2 rear stop lamps, except on a motorcycle or a moped, which meet the requirements of the act. A motorcycle or moped shall have 1 rear stop lamp.
- 2) A person who violates this section is responsible for a civil infraction.

5.79. Brake requirements; violation as civil infraction.

- 1) The requirements for brake equipment are as follows:
 - a) A motor vehicle, other than a motorcycle or moped, when operated on a highway, shall be equipped with brakes which are adequate to control the movement of, and to stop and hold, the vehicle, including 2 separate means of applying the brakes to not less than 2 wheels. If these 2 separate means of applying the brakes are connected in any way, they shall be constructed so that the failure of 1 part of the operating mechanism still leaves the motor vehicle with brakes on not less than 2 wheels.
 - b) A motorcycle or moped, when operated on a highway, shall be equipped with not less than 2 brakes, 1 on the front wheel and 1 on the rear wheel, which may be operated by hand or foot.
 - c) A trailer or semitrailer of a gross weight of 5,000 pounds or more, when operated on a highway, shall be equipped with brakes which are adequate to control the movement of, and to stop and hold, the vehicle and which are designed to be applied by the driver of the towing motor vehicle from its cab.
 - d) A new motor vehicle, trailer, or semitrailer which is hereafter sold in this state and which is operated on the highways shall be equipped with brakes that are adequate to control the movement of, and to stop and hold, the vehicle, except for a motorcycle or moped, and except that a semitrailer or trailer of less than 3,300 pounds gross weight need not be equipped with brakes. This subdivision does not apply to a trailer or semitrailer which is owned by a farmer and which is used exclusively in connection with the farming operations of the farmer and is not used for hire. A truck or truck tractor that has 3 or more axles need not have brakes on the front wheels. A truck or truck tractor that is equipped with not less than 2 steerable axles shall require brakes on (1) one of the steerable axles.
 - e) In any combination of motor-driven vehicles, means shall be provided for applying the rearmost trailer brakes, for a trailer

equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and for developing the required braking effort on the rearmost wheels at the fastest rate or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes or both of the means specified in this subdivision which are capable of being used alternatively may be employed.

- f) A motor vehicle and any combination of vehicles, except pole trailers, motorcycles, and mopeds, shall be equipped with parking brakes which are adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the requirements of section 5.79 of this code by the driver's muscular effort, by spring action, or by equivalent means. Their operation may be assisted by the service brakes or another source of power if failure of the service brake actuation system or another power assisting mechanism will not prevent the parking brakes from being applied. The parking brakes shall be designed so that when once applied they remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes, lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be constructed so that failure of 1 part still leave the vehicle with operative brakes.
 - g) The brake shoes operating within or on the drums of the vehicle wheels of a motor vehicle may be used for both service and hand operation.
- 2) A motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road which is free from loose material within the distances specified in this subsection or shall be capable of being decelerated at a sustained rate corresponding to these distances upon initial application of the service (foot) brake.

	<u>Feet to stop from 20 miles per hour</u>	<u>Deceleration in feet per second</u>
Vehicles or combination of vehicles having brakes on all wheels	30	14.0
Vehicles or combination of vehicles not having brakes on all wheels	40	10.7

- 3) All brakes shall be maintained in good working order and shall be adjusted to operate as-equally as practicable with respect to the wheels on the opposite side of the vehicle.
- 4) A person who violates this section is responsible for a civil infraction.

5.80. **Horn Requirements; Violation as Civil Infraction.**

- 1) Every motor vehicle, when operated on a street, shall be equipped with a horn which is in good working order and which is capable of emitting sound that is audible under normal conditions from a distance of not less than 200 feet, but a horn or other warning device shall not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with his or her horn, but shall not otherwise use such horn when on a street.
- 2) A person who violates this section is responsible for a civil infraction.

5.80a. **Windshield Required; Exemptions; Goggles Required for Operator of Motorcycle; Violation as Infraction.**

- 1) A motor vehicle shall not be operated on the streets or highways of this governmental unit unless the vehicle is equipped with a windshield of sufficient dimensions to protect the driver and occupants from insects, other airborne objects, and highway surface water and debris when the motor vehicle is moving forward. A farm tractor, other implements of husbandry, and historic vehicles, as defined in section 803a of the act, are exempt from this section. If a motorcycle operated on the streets and highways in excess of 35 miles an hour is not equipped with a windshield, the operator shall wear goggles with transparent lenses or a transparent face shield or eye glasses. The goggles, eye glasses, or face shield shall be made of shatter-resistant material and shall be of sufficient size to protect the operator's eyes against insects, other airborne material, and highway surface water and debris.
- 2) A person who violates this section is responsible for a civil infraction.

5.81. **Windshield; Obstructions; Cleaning Devices; Wipers; Additional Equipment; Violation as Civil Infraction.**

- 1) A person shall not drive a motor vehicle with a sign, poster, or other nontransparent material on the front windshield, sidewings, or side or rear windows of the vehicle which obstructs the driver's clear view of the highway or an intersecting highway. A person shall not drive a motor vehicle with a dangling ornament or other suspended object which in any way obstructs the vision of the driver of the vehicle, except as authorized by law.
- 2) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, show, or other moisture from the windshield. The device shall be constructed so as to be controlled or operated by the driver of the vehicle. A vehicle that is licensed as an historical vehicle is exempt from this subsection if the vehicle was not originally equipped with such a device.
- 3) Every windshield wiper on a motor vehicle shall be maintained in good working order.
- 4) On and after October 1, 1955, a licensed commercial vehicle shall not be operated on the highways at any time between December 15 and March 15, both dates inclusive, unless the vehicle is equipped with a hot air windshield defroster, an electrically heated windshield, or other means capable of keeping the windshield heated and maintained in operable condition at all times.
- 5) A licensed motor vehicle that is manufactured after January 1, 1956, shall not be operated on the highways unless it is equipped with a windshield washer which is maintained in operable condition at all times and which is capable of cleaning the windshield so that the driver has a clear view of the highway or an intersecting highway.
- 6) A person who violates this section is responsible for a civil infraction.
- 7) A person shall not drive a motor vehicle with either of the following:
 - a) A window application, reflective film, or nonreflective film upon or in the front windshield, the side windows immediately adjacent to the driver or front passenger, or the sidewings adjacent to and forward of the driver or front passenger, except that a tinted film may be used along the top edge of the windshield and the side windows or sidewings immediately adjacent to the driver or front passenger if the material does not extend more than 4 inches from the top of the windshield, or lower than the shade band, whichever is closer to the top of the windshield.

- b) A rear window or side window to the rear of the driver composed of, covered by, or treated with, a material that creates a total solar reflectance of 35% or more in the visible light range, including a silver or gold reflective film.
- 8) A person shall not drive a motor vehicle if driver visibility through the rear window is obstructed, unless the vehicle is equipped with 2 rearview mirrors, 1 on each side adjusted so that the operator has a clear view of the highway behind the vehicle.
- 9) This section shall not apply to any of the following:
- a) The use of draperies, louvers, or other special window treatments, except those specifically designated in this section, on the rear window, or a side window to the rear of the driver if the vehicle is equipped with 2 outside rearview mirrors, 1 on each side, adjusted so that the driver has a clear view of the highway behind the vehicle.
 - b) This use of non-reflective, smoked or tinted glass, non-reflective film, perforated window screen, or other decorative window application on the rear window or a side window to the rear of the driver.
 - c) The placement of a necessary certificate or sticker that does not obstruct the driver's clear view of the roadway or an intersecting roadway.
 - d) A vehicle registered in another state, territory, commonwealth of the United States, or another country or province.
 - e) A special window treatment or application determined necessary by a physician, for the protection of a person who is light or photosensitive, if the owner or operator of a motor vehicle has in possession a letter signed by a physician, indicating the need for the special window treatment or application as a medical necessity. However, the special window treatment or application shall not interfere with or obstruct the driver's clear vision of the highway or an intersecting highway.
- 10) Subsections (7) a) and b), (8), and (9) a), b), c), (d), and (e) of this section shall take effect and become civil infractions on the effective date of Act No. 220 of the Public Acts of 1980, being §257.709 of the Michigan Compiled Laws.

5.82. **Child Restraint Systems.**

- 1) Except as provided in this section, or as otherwise provided by law, or federal regulation, each driver transporting a child less than 4 years of age

in a motor vehicle shall properly secure each child a child restraint system that meets the standards prescribed in 49 C.F.R. 571.213.

- 2) This section does not apply to any child being nursed.
- 3) This section does not apply if the motor vehicle being driven is a bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts under federal law or regulations.
- 4) A person who violates this section is responsible for a civil infraction.
- 5) Points shall not be assessed for a violation of this section.
- 6) The secretary of state may exempt by rules promulgated pursuant to the Administrative Procedures Act of 1969, Act No. 306 of the Public Acts of 1969, (MCL 24.201 to 24.328), as amended, a class of children from the requirements of this section, if the secretary of state determines that the use of the child restraint system required under subsection (1) is impractical because of physical unfitness, a medical problem, or body size. The secretary of state may specify alternate means of protection for children exempted under this subsection.

(Rev. 03-06-2000)

5.83. Safety Belts.

- 1) Each driver and front seat passenger of a motor vehicle operated on a street or highway in this city shall wear a properly adjusted and fastened safety belt, except that a child less than 4 years of age shall be protected as required in section 5.82. Each driver of a motor vehicle transporting a child 4 years of age or more but less than 16 years of age in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety belt.
- 2) Each driver of a motor vehicle transporting a child 4 years of age or more but less than 16 years of age in a motor vehicle shall secure the child in a properly adjusted and fastened safety belt.
- 3) It shall not be a violation of this section when a passenger, other than a front seat passenger, between the ages of 4 and 16, is unrestrained when the number of passengers exceeds the number of available seat belts, as long as all available seat belts are utilized in compliance with this section. For those vehicles equipped only with a front seat, the driver may transport a child between the ages of 4 and 16 in the front seat without a safety belt when there are more passengers than safety belts available for use.
- 4) This section shall not apply to a driver or passenger of:

- a) A motor vehicle manufactured before January 1, 1965.
 - b) A bus.
 - c) A motorcycle.
 - d) A moped.
 - e) A motor vehicle if the driver or passenger possesses a written verification from a physician that the driver or-passenger is unable to wear a safety belt for physical or medical reasons.
 - f) A motor vehicle which is not required to be equipped with safety belts under federal law.
 - g) A commercial or United States postal service vehicle which makes frequent stops for the purpose of pickup or delivery of goods or services.
 - h) A motor vehicle operated by a rural carrier of the United States Postal Service while serving his or her rural postal route.
- 5) A person who violates this section is responsible for a civil infraction.
 - 6) Costs shall not be ordered in excess of \$100.60.
 - 7) Points shall not be assessed for a violation of this section.

(Rev. 03-06-2000)

5.85. **Tire Requirements; Violation as Civil Infraction.**

- 1) A person shall not operate on a public highway of this state a vehicle or special mobile equipment which has metal or plastic tract or a tire which is equipped with metal that comes in contact with the surface of the road or which has a partial contact of metal or plastic with the surface of the road, except as provided in subsections 3), 4), and 5) of this section.
- 2) A person shall not operate on a highway a vehicle which has a tire that has on its periphery a block, stud, flange, cleat, spike, or other protuberance of a material other than rubber which project beyond the tread of the traction surface of the tire, except as provided in subsections 2), 3), and 4) of this section. A person may,, however, use farm machinery with a tire having a protuberance which will not injure a highway. A person may also use a tire chain of reasonable proportion on a vehicle when required for safety because of snow, ice, or other condition that tends to cause a vehicle to skid.

- 3) A person may operate on a highway a vehicle which has a pneumatic tire in which wire of .075 inches in diameter or less is embedded, if the tire is constructed so that the percent of metal in contact with the highway is not more than 5% of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of the tire, the metal in contact with the highway shall not be more than 20% of the tire area.
- 4) A person may operate on a highway a vehicle which has a pneumatic tire in which are inserted ice grips or tire studs, if the person is a law enforcement officer operating a vehicle owned by a law enforcement agency, a person operating an ambulance, or a United States postal service rural carrier driving a vehicle the rural carrier owns and maintains as a prerequisite to employment in the postal service.
- 5) A person shall not operate a vehicle on a highway when a tire in use on that vehicle is unsafe as provided in subsection (7) of this section.
- 6) A person who is in the business of selling tires shall not sell or offer for sale for highway use a tire which is unsafe as provided in subsection 7) of this section.
- 7) A tire is unsafe if it is in any of the following conditions:
 - a) Has a part of the belting material, tire cords, or plies exposed.
 - b) Has evidence of cord or tread separations.
 - c) Is worn to or below the minimum tread level in 2 or more adjacent major grooves at 3 or more locations spaced around the circumference of the tire. Minimum allowable tread levels are as follows:
 - i) Motorcycles and moped - 1/32 inch front and rear.
 - ii) Passenger cars and vehicles weighing less than 10,000 pounds - 2/32 inch front and rear.
 - iii) Vehicles weighing 10,000 pounds or more - 4/32 inch front and 2/32 inch rear. Measurements shall not be made at locations of tread wear indicators or tie bars. A motor vehicle that is licensed as an historic vehicle under section 803a of the act is exempt from the tread depth requirements of this subsection.
 - d) Has a marking "not for highway use," "for racing purposes only," "for farm use only," or "unsafe for highway use."
 - e) Has been regrooved or recut below the original tread design depth, except in the cause of special purpose designed tires which have

extra undertread rubber provided for this purpose and which are identified as such tires.

- 8) A person who violates this section is responsible for a civil infraction.

5.87. **Mirror Requirements; Violation as Civil Infraction.**

- 1) A person shall not drive on a highway a motor vehicle which is constructed or loaded so as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position, unless the vehicle is equipped with a mirror located to reflect to the driver a view of the highway to the rear of the vehicle. In addition, all motor vehicles shall be equipped with an outside rearview mirror on the driver's side which shall be positioned to give the driver a rear viewing angle from the driver's side of the vehicle, except for a motor vehicle that is licensed as an historic vehicle if the vehicle was not originally equipped with an outside rearview mirror. Rearview mirrors may be positioned on the helmet or visor worn by the operator of a motorcycle if the helmet is securely attached to the head of the operator. Every commercial vehicle of 1/2-ton capacity or more that operates on the public highways of this state, shall be equipped with 2 mirrors, 1 on each side, adjusted so that the operator has a clear view of the highway behind the commercial vehicle. The outside mirrors shall not be considered to be a part of the vehicle for the purpose of determining the maximum width under section 717 of the Act.
- 2) A person who violates this section is responsible for a civil infraction.

5.87a. **Bumper Height; Vehicle Modification; Exemption; "Passenger Vehicle" Defined; Violation as Civil Infraction.**

- 1) A person shall not operate a passenger vehicle on a public highway or street of this state unless the vehicle is equipped with a bumper or other energy absorption system with an analogous function.
- 2) A person shall not modify a passenger vehicle or operate upon a public highway or street of this state a passenger vehicle, except for a 4-wheel drive vehicle, which has been modified, if the resultant operational altitude of a bumper of the vehicle is less than 14, or more than 22 inches, as measures from the ground to a load-bearing member of the horizontal bumper bar. The suspension system of a passenger vehicle shall not be modified to defeat the safe operation of the system.
- 3) A vehicle shall not be modified to cause the vehicle body or chassis to come in contact with the ground or to expose the fuel tank to damage from collision or to cause the wheels to come in contact with the body under normal operation, and no part of the original suspension system shall be disconnected to defeat the safe operation of the suspension

system. However, nothing contained in this section shall prevent the installation of heavy-duty equipment, including shock absorbers and overload springs, and nothing contained in this section shall prevent a person from operating a motor vehicle on a public highway with normal wear of the suspension system if normal wear does not affect the control of the vehicle.

- 4) This section does not apply to a commercial vehicle, other than a vehicle carrying passengers for hire, a vehicle that has a design which intrinsically precludes conformance with the act, or to a vehicle that has an unaltered and undamaged stock bumper or energy absorption system with an analogous function of the type supplied by the vehicle manufacturer.
- 5) Installation of a shock absorber or overload spring as heavy-duty equipment is not prohibited by this section.
- 6) This section shall not be construed to establish standards higher than those formulated by the United States department of transportation for bumpers on a passenger motor vehicle sold within the United States.
- 7) For purposes of this section "passenger vehicle" means a vehicle displaying registration plates issued pursuant to section 801(l) a) of the act.
- 8) A person who violates this section is responsible for a civil infraction.

5.88. **Requirements for Flap-Type Devices on Commercial Vehicles; Violation as Civil Infraction.**

- 1) A commercial vehicle, except for a truck tractor between terminals which is traveling at a speed of not more than 25 miles per hour, and a combination of a commercial vehicle and trailer or semitrailer, when used on a highway, shall be constructed, equipped, or operated to prevent water or other road surface substances from being thrown from the rear wheels of the vehicle or combination at tangents of more than 22 1/2 degrees measured from the road surface. If a flat-type device is used, it shall not have attached any type of lamp, breakable reflective material, or reflecting buttons, and the device shall not extend beyond the 96-inch maximum width of the vehicle or combination.
- 2) A person who violates this section is responsible for a civil infraction.

5.89. **Lamp or Flag On Projecting Load Required; Violation as Civil Infraction.**

- 1) When the load on any vehicle extends to the rear 4 feet or more beyond the bed or body of such vehicle, a red light or lantern that is plainly visible from a distance of not less than 500 feet to the sides and rear shall be displayed at the extreme rear end of the load, during the hours between 1/2 hour after sunset and 1/2 hour before sunrise and at any other time

when there is not sufficient light to clearly discern persons and vehicles on the highway at a distance of 500 feet ahead. The red light or lantern required under this section shall be in addition to the red rear light required on every vehicle.

- 2) At times other than between 1/2 hour after sunset to 1/2 hour before sunrise, a red flag or cloth not less than 12 inches square shall be displayed at the extreme rear end of such load and shall be hung so that the entire area is visible to the driver of a vehicle approaching from the rear.
- 3) A person who violates this section is responsible for a civil infraction.

5.90. Mufflers Required; Violation as Civil Infraction.

- 1) A motor vehicle, including a motorcycle or a moped, shall at all times be equipped with a muffler that is in good working order which prevents excessive or unusual noise. A person shall not remove, destroy, or damage the baffles contained in the muffler. A person shall not use a muffler cutout, bypass, or similar device on a motorcycle or moped on any street or highway.
- 2) A person who violates this section is responsible for a civil infraction.

5.90a. Operation of Vehicle with Unnecessary Noise Prohibited; Violation as Civil Infraction.

- 1) A person shall not operate a motor vehicle with unnecessary noise and shall not start, move, or turn a motor vehicle or apply the brakes or the power on a motor vehicle or in any manner operate the vehicle so as to cause the tires to squeal or the tires or vehicle to make any noise not usually connected with the operation of the motor vehicle, except in case of an emergency.
- 2) A person who violates this section is responsible for a civil infraction.

5.91. Excessive Fumes or Smoke; Violation as Civil Infraction.

- 1) The engine and power mechanism of every motor vehicle shall be equipped and adjusted to prevent the escape of excessive fumes or smoke.
- 2) A person who violates this section is responsible for a civil infraction.

5.92. **Devices for Causing Flame or Smoke from Motor Vehicle Prohibited; Violation as Civil Infraction; Replacing Muffler or Exhaust Which Causes Vehicle to Exceed Established Noise Levels Prohibited; Modifying, Repairing,, Replacing, or Removing Part of Exhaust Which Causes Vehicle to Exceed Established Noise Levels Prohibited; Sale Of Second-Hand Vehicle by Dealer to Comply With Act; Violation as Misdemeanor.**

- 1) A person shall not install, sell, or distribute any device for the purpose of causing flame or smoke to be emitted from a motor vehicle, except for highway maintenance vehicles, and a person shall not use any such device on a motor vehicle not so excepted.
- 2) A person, either acting for himself or herself or as the agent or employee of another, shall not sell, install, or replace a muffler or exhaust part which causes the motor vehicle to which the muffler or exhaust part is attached to exceed the noise limits established by the act or this code.
- 3) A person shall not modify, repair, replace, or remove parts of an exhaust system which causes the motor vehicle to which the system is attached to produce noise in excess of the levels established by the act and shall not operate a motor vehicle so altered on a street or highway.
- 4) A dealer shall not sell a used motor vehicle, as defined by section 78 of the act, which is not in compliance with the act for use on a street or highway.
- 5) A person who violates subsection (1) of this section is responsible for a civil infraction. Violations of subsection (2), (3), or (4) are misdemeanors.

5.93. **Display on Vehicle of Official Designation, Sign, or Insignia Prohibited; Violation as Misdemeanor.**

- 1) An owner shall not display on any part of his or her vehicle, or knowingly permit the display of, any official designation, sign, or insignia of any public or quasi-public corporation; municipal, state, or national department; or government subdivision without authority of such agency.
- 2) A person who violates this section is guilty of a misdemeanor.

5.94. **Television Set; Placement in Motor Vehicle; Violation as Misdemeanor.**

- 1) A person shall not drive any motor vehicle equipped with any television viewer screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat or which is visible to the driver while operating a motor vehicle.
- 2) A person who violates this section is guilty of a misdemeanor.

5.95. **Size and Weight Restriction; Violation as Misdemeanor; Exception.**

- 1) No person shall drive or move or cause or knowingly permit to be driven or moved on any street any vehicle or vehicles of width, height, length or weight in excess of the imitations governing size and weight restrictions specified in the Michigan vehicle Code, Act 300, Public Acts of 1949 as amended, except as permitted by special permit issued under the provisions of the Troy City Code.
- 2) A person who violates this section is guilty of a misdemeanor.

5.96. **Merchandising within Highway Right-of-Way Prohibited; Exception; Violation as Civil Infraction.**

- 1) A person, firm, or corporation shall not sell, offer for sale, display, or attempt to display for sale any goods, wares, produce, fruit, vegetables, or merchandise within the right-of-way of highway, except as provided in subsection 4) of section 8.14 of this code. This section shall not be construed to interfere with any permanently established business presently located on or partially on private property, to grant to the owner of any additional rights or authority that the owner may not now possess, or to diminish the legal rights or authority that the duties of the authority that has jurisdiction of the right-of-way.
- 2) A person who violates this section is guilty of a misdemeanor.

(Rev. 09-14-1981)

5.97. **School Buses; Signs; Overtaking, Meeting, or Passing; Violation as Misdemeanor; Discharge Of Passengers; Signal Lights; Mirror; Evidence of Violation; Violation as Civil Infraction.**

- 1) A school bus that transports pupils outside of incorporated cities or villages and inside of incorporated cities or villages where stopping of school busses is controlled by local ordinance shall be painted and shall contain signs on the back and front of the school bus, as approved b y the department of transportation and the superintendent of public instruction.
- 2) The drive of a vehicle that overtakes or meets a school bus which has stopped and which is displaying 2 alternately flashing red lights located at the same level shall bring the vehicle to a full stop not less than 10 feet from the school bus and shall not proceed until the school bus resumes motion or the visual signals are no longer actuated. The driver of the school bus, before resuming motion, shall deactivate flashing lights, shall permit stopped traffic to proceed, and shall, when resuming motion, proceed in a manner that will allow contested traffic to disperse by keeping the bus as near to the right side of the road as can be done with safety.

- 3) Passengers who cross a road upon being discharged from a school bus shall cross in front of the stopped school bus.
- 4) At an intersection where traffic is controlled by an officer or a traffic stop-and-go signal, a vehicle need not be brought to a full stop before passing a stopped school bus, but may proceed past the school bus at a speed not greater than is reasonable and proper, but not more than 10 miles an hour, and shall proceed with due caution for the safety of passengers being received or discharged from the school bus.
- 5) If the stopping for school buses is controlled by local ordinance, the ordinance shall be enforceable if signs giving notice of the local traffic regulation are posted on or at the entrance to the area, or part of the area affected as may be most appropriate or sufficiently legible as to be seen by an ordinarily observant person.
- 6) The driver of a vehicle who fails to stop for a school bus as required by subsections 2) to 5) of this section, who passes a school bus in violation of subsections 2) to 5) of this section, or who fails to stop for a school bus in violation of an ordinance which complies with subsections 2) to 5) of this section is guilty of a misdemeanor.
- 7) A school bus driver shall not stop the bus for the purpose of receiving or discharging passengers unless the bus is clearly visible in its stopped position to approaching or overtaking drivers of vehicles for a distance of not less than 500 feet.
- 8) The driver of a vehicle on a highway that has been divided into 2 roadways by leaving an interfering space, by a physical barrier, or by clearly indicated dividing sections constructed so as to impede vehicular traffic need not stop upon meeting a school bus which has stopped across the dividing space, barrier, or section.
- 9) A school bus that transports pupils outside of incorporated cities or villages and inside of incorporated cities or villages where stopping of school buses is controlled by local ordinance, in addition to any other equipment and distinctive marking required by law, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable. The lamps shall be capable of displaying to the front 2 alternately flashing red lights located at the same level and to the rear 2 alternately flashing red lights located at the same level. The lights shall have sufficient intensity to be visible from a distance of not less than 500 feet in normal sunlight and shall be actuated by the driver of the school bus when, but only when, the vehicle is stopped and for a distance of not less than 200 feet in advance of a stop for the purpose of receiving or discharging school children. The lights shall not be actuated inside of incorporated cities or villages unless stopping of school buses is controlled by local ordinance.

- 10) A school bus shall be equipped with the mirror, convex in shape, which is not less than 7 1/2 inches in diameter and which is firmly mounted at hood or fender top height in front of the bus. The mirror shall be located on either the left or right side of the bus in a manner so that the seated driver may observe the road from the front bumper forward to the point where direct observation is possible.
- 11) In a proceeding for violation of subsection (2) of this section, proof that the particular vehicle described in the citation, complaint, or warrant was in violation of subsection (2) of this section, together with proof that the defendant named in the citation, complaint, or warrant was, at the time of the violation, the registered owner of the vehicle, shall constitute in evidence a presumption that the registered owner of the vehicle was the driver of the vehicle at the time of the violation.
- 12) Except as otherwise provided in subsection (2) of this section, a person who violates this section is responsible for a civil infraction. A violation of subsection (2) of this section is a misdemeanor.

(Rev. 09-14-1981)

5.98. **Opening Vehicle Doors so as to Impede Traffic Prohibited; Violations as Civil Infraction.**

- 1) A person shall not open a door of a vehicle in a manner that interferes with or impedes the flow of traffic.
- 2) A person who violates this section is responsible for a civil infraction.

5.98a. **Blocking, obstructing, impeding, or otherwise interfering with traffic prohibited; violation as civil infraction.**

- 1) A person without authority shall not block, obstruct, impede, or otherwise interfere with the normal flow of vehicular or pedestrian traffic on a public street or highway by means of a barricade, object, device, or with his or her person. This section does not apply to persons who maintain, rearrange, or construct public utilities in, or adjacent to, a street or highway.
- 2) A person who violates this section is responsible for a civil infraction.

5.99 **Towed vehicles; violation as civil infraction.**

- 1) A passenger vehicle shall not be driven on any highway drawing or having attached thereto more than 1 vehicle trailer.
- 2) The draw bar or other connection between any 2 vehicles, 1 of which is towing or drawing the other on a highway, shall not be more than 15 feet in length for 1 vehicle to the other. When such connection consists of a

chain, rope, or cable, a red flag or other signal or cloth not less than 12 inches both in length and width shall be displayed on such connection.

- 3) Every vehicle or trailer drawn by any motor-propelled vehicle shall be so attached to such vehicle with such forms of coupling devices as will prevent such vehicle or trailer from being deflected more than 6 inches from the path of the towing vehicle's wheels. Such vehicle or trailer shall also be connected to the towing vehicle by suitable safety chains or devices, 1 on each side of the vehicle, and each such chain or device and connection so used shall be of sufficient strength to haul the trailer when loaded.
- 4) A person who violates this section is responsible for a civil infraction.

5.100. **Solicitation of Towing.** It shall be unlawful for any person, firm, or corporation, operating a truck or other vehicle used to push, tow or otherwise service other vehicles to operate such vehicle for the purpose of soliciting business on any freeway in the City of Troy or any ramp connecting such freeway to surface streets, or to engage in such solicitation on such freeways or ramps in the City of Troy.

5.101. **Towing Vehicles on Freeways and Expressways.** No disabled motor vehicle shall be towed on any freeway between the hours of 6:00 a.m. and 9:00 a.m. or between the hours of 3:00 p.m. and 7:00 p.m. except that any vehicle disabled on a freeway during such hours may be towed to the nearest ramp and then to the surface streets.

6.0 **OPERATION OF BICYCLES, MOTORCYCLES, MOPEDS, AND TOY VEHICLES.**

6.1. **Operator of Motorcycle or Moped; Rights and Duties; Violation as Civil Infraction.**

- 1) Every person who operates a motorcycle or a moped on a roadway shall be granted all the rights, and shall be subject to all the duties, applicable to the driver of a vehicle under this code, except as to those provisions which by their nature do not apply.
- 2) A person who violates this section is responsible for a civil infraction.

6.2. **Supplementary Provisions.** The provisions of this chapter applicable to motorcycles and mopeds shall be considered supplementary to other provisions of this code governing the operation of such vehicles.

6.4. **Riders to Obey Traffic Law.** Every person who rides a. bicycle or an electric personal assistive mobility device on a roadway shall be granted all of the rights, and shall be subject to all of the duties applicable to the driver of a vehicle under state, local, and/or federal law or regulation.

(Rev. 05-24-2004)

6.4a. **Limited Access Highway; Pedestrians and Certain Vehicles Prohibited; Violation as Civil Infraction.**

- 1) A person shall not operate a moped, farm tractor, motorcycle with less than a 125-cubic centimeter engine, or other self-propelled farm implement, nor shall any pedestrian, bicycle, except as provided in this code, or other non-motorized traffic be permitted, on any limited access highway in this state. Bicycles shall be permitted on paths which are constructed separately from the roadway and which are designated for the exclusive use of bicycles.
- 2) A person who violates this section is responsible for a civil infraction.

6.6. **Obedience to Traffic-Control Devices.**

(Rev. 05-24-2004)

- 1) Any person who operates a bicycle or an electric personal assistive mobility device shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles unless otherwise directed by a police officer.

(Rev. 05-24-2004)

- 2) A person who violates this section is responsible for a civil infraction.

6.7. **Obedience to Pedestrian Regulations when Dismounted from a Bicycle.** When authorized signs are erected which indicate that right, left, or U-turns are not permitted, a person who operates a bicycle or an electric personal assistive mobility device shall obey the direction of any such sign, except where the person dismounts to make such turn, in which event the person shall then obey the regulations applicable to pedestrians.

(Rev. 05-24-2004)

6.8. **Passengers on Motorcycles or mopeds; Violation as Civil Infraction.**

- 1) A person who operates a motorcycle shall ride on and astride the permanent and regular seat attached to the vehicle and shall not carry another person, or permit another person to ride, on the motorcycle as a passenger, unless the motorcycle is designed and equipped to carry more than 1 person. If the motorcycle is so designed and equipped, the passenger may ride on the permanent and regular seat if the motorcycle is designed for 2 persons or may ride on another seat firmly attached to the vehicle which is to the rear or side of the operator.

- 2) A person who operated a moped shall ride on and astride the permanent and regular seat attached to the vehicle and shall not carry another person as a passenger on the moped.
- 3) A person who violates this section is responsible for a civil infraction.

6.9. Bicycles and Electric Personal Assistive Mobility Device; Number and Manner of Carrying Persons.

(Rev. 05-24-2004)

- 1) A person who propels a bicycle shall not ride other than astride a permanent and regular seat attached thereto and shall not carry more persons at one time than the number for which the bicycle is designed and equipped.
- 2) An electric personal assistive mobility device shall not be used to carry more than one person at a time.

(05-24-2004)

- 3) A person who violates this section is responsible for a civil infraction.

(Renumbered: 05-24-2004)

6.10. Riding on Roadways and Bicycle Paths.

- 1) A person who operates a bicycle, an electric personal assistive mobility device, a motorcycle, or moped on a roadway shall ride as near to the right-hand side of the roadway as practicable and shall exercise due care when passing a standing vehicle or a vehicle proceeding in the same direction.

(Rev. 05-24-2004)

- 2) A person who operates a moped, a motorcycle, or a bicycle shall not pass between lines of traffic, but may pass in an unoccupied lane on the left of traffic moving in his or her direction on a two-way street and on the left or right of traffic on a one-way street.

(Rev. 05-24-2004)

- 3) A person shall not operate an electric personal assistive mobility device on a public roadway that has a posted speed limit of more than 25 miles per hour. This limitation does not preclude an operator of such device from crossing a public roadway that has a posted speed limit in excess of 25 miles per hour.

(05-24-2004)

- 4) A person who violates this section is responsible for a civil infraction.

(Renumbered: 05-24-04)

6.11. **Riding 2 Abreast Prohibited; Exception.**

(Rev. 05-24-2004)

- 1) Every person who operates a bicycle, an electric personal assistive mobility device, a motorcycle or moped on a roadway shall not ride more than 2 abreast; except on paths or parts of roadways set aside for the exclusive use of such vehicles.

(Rev. 05-24-2004)

6.12. **Bicycles and Electric Personal Assistive Mobility Devices; Use of Paths Required When Provided.**

- 2) A person who violates this section is responsible for a civil infraction.

(Rev. 05-24-2004)

- 1) When a usable path for bicycles and electric personal assistive mobility devices has been provided adjacent to a roadway, bicycle and electric personal assistive mobility device riders shall use such path and shall not use the roadway.

(Rev. 05-24-2004)

- 2) A person who violates this section is responsible for a civil infraction.

6.13. **Clinging to Other Vehicles Prohibited.**

(Rev. 05-24-2004)

- 1) A person who rides on any bicycle, Electric personal assistive mobility device, motorcycle, moped, coaster, roller skates, sled, or toy vehicle shall not attach the same of himself or herself to any vehicle on a roadway.

(Rev. 05-24-2004)

- 2) A person who violates this section is responsible for a civil infraction.

6.14. **Bicycles and Electric Personal Assistive Mobility Devices; Speed.**

(Rev. 05-24-2004)

- 1) A person shall not operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

2) A person shall not operate an electric personal assistive mobility device at a speed greater than 15 miles per hour.
(05-24-2004)

3) A person who violates this section is responsible for a civil infraction.

(Renumbered: 05-24-2004)

6.15. **Emerging From Alley, Driveway, or Building; Yielding Right-of-Way.**

(Rev. 05-24-2004)

1) The operator of a bicycle or electric personal assistive mobility device who emerges from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk area and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.

(Rev. 05-24-2004)

2) A person who violates this section is responsible for a civil infraction.

6.16. **Carrying Articles; Height of Handlebars.**

(Rev. 05-24-2004)

1) A person who operates a bicycle, electric personal assistive mobility device, motorcycle, or moped shall not carry a package, bundle, or article which prevents the driver from keeping both hands on the handlebars.

(Rev. 05-24-2004)

2) A person shall not operate a motorcycle or moped equipped with handlebars that are higher than 15 inches from the lowest point of the underpressed saddle to the highest point of the handlegrip of the operator on a street or highway.

(Rev. 05-24-2004)

3) A person who violates this section is responsible for a civil infraction.

6.17. **Bicycles; Parking on Sidewalk.**

(Rev. 05-24-2004)

1) A person shall not park a bicycle on a sidewalk where bicycle parking is prohibited by official traffic-control devices. A person shall not park a

bicycle on a sidewalk in a manner that would unreasonably obstruct pedestrian or other traffic.

- 2) A person who violates this section is responsible for a civil infraction.

6.17a. **Bicycles; Parking on Roadway.**

(Rev. 05-24-2004)

- 1) Unless prohibited or restricted by traffic-control devices, a bicycle may be parked as follows:

(Rev. 05-24-2004)

- a) On the roadway at an angle to the curb or edge of the roadway at any location where the parking of vehicles is allowed.
 - b) On the roadway abreast of another bicycle near the side of the roadway at any location where the parking of vehicles is allowed.
- 2) In all other respects, a bicycle parked anywhere on a street shall conform with the provisions of Chapter 106, Section 8 of the City of Troy ordinances which regulates the parking of vehicles.

(Rev. 05-24-2004)

- 3) A person who violates this section is responsible for a civil infraction.

6.18. **Obedience to Signs Prohibiting Riding of Bicycles and Electric Personal Assistive Mobility Devices; Toy Vehicles.**

(Rev. 05-24-2004)

- 1) When a sign is erected on a sidewalk that prohibits the riding of bicycles or electric personal assistive mobility devices thereon by any person, a person shall obey the sign.

(Rev. 05-24-2004)

- 2) Toy vehicles may be used by children on sidewalks. It shall be the responsibility of a parent or legal guardian of a child using a toy vehicle to ensure the use of toy vehicles will not interfere with the use of the sidewalks by pedestrians.

(05-24-04)

- 3) A person who violates this section is responsible for a civil infraction.

(Renumbered: 05-24-2004)

6.19. **Riding on Sidewalks; Right-of-Way.**

(Rev. 05-24-2004)

- 1) A person who operates a bicycle or an electric personal assistive mobility device on a sidewalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(Rev. 05-24-2004)

- 2) A person who violates this section is responsible for a civil infraction.

6.20. **Bicycles and Electric Personal Assistive Mobility Devices; Lights; Red Reflector.**

(Rev. 05-24-2004)

- 1) Every bicycle and electric personal assistive mobility device, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light that is visible from a distance of not less than 500 feet to the front. Every bicycle and electric personal assistive mobility device, when in use at nighttime, shall also be equipped with a red reflector on the rear that is visible from all distances from 100 feet to 600 feet to the rear when the bicycle is directly in front of the lawful upper beams of head lamps on a motor vehicle. A lamp that emits a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(Rev. 05-24-2004)

- 2) A person who violates this section is responsible for a civil infraction.

6.22. **Bicycles and Electric Personal Assistive Mobility Devices; Brake Required.**

(Rev. 05-24-2004)

- 1) Every bicycle shall be equipped with a brake that enables the operator to make the braked wheels skid on dry, level, clean pavement, or which shall enable the rider to come to a controlled stop.

(Rev. 05-24-2004)

- 2) An electric personal assistive mobility device shall enable the operator to bring it to a controlled stop.

(05-24-2004)

- 3) A person who violates this section is responsible for a civil infraction.

(Renumbered: 05-24-04)

6.23. **Motorcycles; Protective Helmet Required; Violation as Civil Infraction.**

- 1) A person who operates or rides on a motorcycle on a public thoroughfare shall wear on his or her head a protective helmet of a type approved by the department of state police.
- 2) A person who violates this section is responsible for a civil infraction.

6.23a. **Motorcycles; Protective Helmet Standards; Label.** Protective helmets required by section 6.23 of this code which are sold or offered for sale in this governmental unit shall meet or exceed the state police standards and shall be clearly labeled as meeting those standards.

6.24. **Dealers; Renting, Leasing, Or Furnishing Motorcycles or Mopeds To Unlicensed Operators Prohibited; Violation as Misdemeanor.**

- 1) A dealer shall not rent, lease, or furnish a motorcycle or moped to a person for use on the streets and highways who is not licensed to operate a motorcycle or moped by this state, if a resident, or by the state of which he or she is a resident, if a nonresident.
- 2) A person who violates this section is responsible for a civil infraction.

6.25. **Subleasing Motorcycles or Mopeds to Unlicensed Operators Prohibited; Violation as Misdemeanor.**

- 1) It is unlawful for a person to whom a motorcycle or moped is rented, leased, or furnished to rent, sublease, or otherwise authorize the use of the motorcycle or moped on public streets and highways to any person who is not licensed to operate a vehicle in this state.
- 2) A person who violates this section is responsible for a civil infraction.

6.26. **Dealers; Maintenance of Motorcycles or Mopeds in Safe Operating Condition; Explaining Operation to Person to Whom Rented, Leased, or Furnished; Refusing to Rent, Lease, or Furnish; Violation as Misdemeanor.**

- 1) The dealer shall maintain in safe operating condition motorcycles and moped rented, leased, or furnished by him or her. The dealer or his or her agents or employees shall explain the operation of the motorcycle or moped being rented, leased, or furnished. If such dealer or his or her agent or employee believes that this person to whom the motorcycle or moped is to be rented, leased, or furnished is not competent to operate

such motorcycle or moped on public streets and highways, he or she shall refuse to rent, lease, or furnish the same.

- 2) A person who violates this section is guilty of a misdemeanor.

6.27. **Motorcycle Dealers; Motor Vehicle Liability Policies Required; Violation as Misdemeanor.**

- 1) Any dealer who rents, leases, or furnishes any motorcycle shall carry a motor vehicle liability policy of the same type and coverage as that outlined in section 520 of the act for each motorcycle so rented, leased, or furnished or, in the alternative, shall demand and be shown proof that the person renting, leasing, or being furnished a motorcycle carries a motor vehicle liability policy of at least the type and coverage as specified in section 520 of the act.
- 2) A person who violates this section is guilty of a misdemeanor.

7.0 **PEDESTRIANS RIGHTS AND DUTIES**

7.1. **Pedestrians; Traffic-Control Signals; Privileges and Restrictions; Violation as Civil Infraction.**

- 1) Pedestrians are subject to traffic-control signals at intersections as provided in chapter 4 of this code. At all other places, pedestrians shall be accorded the privileges, and shall be subject to the restrictions, stated in this chapter.
- 2) A person who violates this section is responsible for a civil infraction.

7.2. **Pedestrians Right-of-Way in Crosswalk; Violation as Civil Infraction.**

- 1) When traffic-control signals are not in place or are not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but a pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- 2) A person who violates this section is responsible for a civil infraction.

7.3. **Passing Vehicle Stopped at Intersection to Permit Pedestrian to Cross Prohibited; Violation as Civil Infraction.**

- 1) When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway,

the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

- 2) A person who violates this section is responsible for a civil infraction.

7.3a. **Limited Access Highway; Pedestrians Prohibited; Violation as Civil Infraction.**

- 1) Pedestrians are prohibited on limited access highways as provided in the act.
- 3) A person who violates this section is responsible for a civil infraction.

7.5. **Crossing Roadway at Right Angles to Curb Required; Violation as Civil Infraction.**

- 1) A pedestrian shall not, except in a marked crosswalk, cross a roadway at any other place than by a route at right angles to the curb or by the shortest route to the opposite curb.
- 2) A person who violates this section is responsible for a civil infraction.

7.6. **Pedestrians Yielding Right-of-Way; Violation as Civil Infraction.**

- 1) Every pedestrian who crosses roadway at a point other than within a marked crosswalk at an intersection shall yield the right-of-way to all vehicles on the roadway.
- 2) A person who violates this section is responsible for a civil infraction.

7.7. **Pedestrians; Yielding Right-of-Way Where Tunnel or Overhead Crossing Provided; Violation as Civil Infraction.**

- 1) Any pedestrian who crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles on the roadway, if signs prohibiting the crossing of the roadway by pedestrians at such point are in place.
- 2) A person who violates this section is responsible for a civil infraction.

7.8. **Pedestrians; Yielding Right-of-Way to Emergency Vehicles; Violation as Civil Infraction.**

- 1) A pedestrian shall yield the right-of-way to an authorized emergency vehicle under the conditions prescribed in section 5.1 of this code
- 2) A person who violates this section is responsible for a civil infraction.

7.9. **Pedestrians; Crossing Between Adjacent Intersections; Violation as Civil Infraction.**

- 1) Where traffic-control signals are in operation, pedestrians shall not cross the roadway except in a marked crosswalk.
- 2) A person who violates this section is responsible for a civil infraction.

7.10. **Pedestrians; Crossing Roadway in Business District; Violation as Civil Infraction.**

- 1) In any business district, a pedestrian shall not cross a roadway other than in a crosswalk.
- 2) A person who violates this section is responsible for a civil infraction.

7.12. **Pedestrians: Walking on Roadway When Sidewalk Provided Prohibited; Walking on Street or Highway When Sidewalks not Provided; Violation as Civil Infraction.**

- 1) Where sidewalks are provided, it is unlawful for pedestrians to walk on the roadway. Where sidewalks are not provided, pedestrians shall, when practicable, walk on the left side of the street or highway facing traffic.
- 2) A person who violates this section is responsible for a civil infraction.

7.13. **Pedestrians; Soliciting Ride, Employment, or Business in Roadway Prohibited; Violation as Civil Infraction.**

- 1) A person shall not stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.
- 2) A person who violates this section is responsible for a civil infraction.

7.14. **Pedestrians; Soliciting the Watching or Guarding of Vehicle in Street or Highway Prohibited; Violations as Civil Infraction.**

- 1) A person shall not stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.
- 2) A person who violates this section is responsible for a civil infraction.

7.15. **Stopping for Blind Pedestrians; Violation as Misdemeanor.**

- 1) Any driver of a vehicle who approaches within 10 feet of a person who is wholly or partially blind, who is carrying a cane or walking stick which is

white or white tipped with red, or who is being led by a guide dog wearing a harness and walking on either side, or slightly in front, of the blind person shall immediately come to a full stop and shall take such precautions before proceeding as may be necessary to avoid accident or injury to the wholly or partially blind person.

- 2) A person who violates this section is guilty of a misdemeanor.

7.16. **Drivers; Exercising Due Care; Violation as Civil Infraction.**

- 1) Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian on any roadway, shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person on a roadway.
- 2) A person who violates this section is responsible for a civil infraction.

8.0 **STOPPING, STANDING, AND PARKING**

8.1. **Standing or Parking Close To Curb; Violation as Civil Infraction.**

- 1) A person shall not stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as otherwise provided in this chapter.
- 2) A person who violates this section is responsible for a civil infraction.

8.2 **Parking on 1-Way Streets; Violation as Civil Infraction.**

- 1) Vehicles may park with the left-hand wheels adjacent to, and within 12 inches of, the left-hand curb of properly signed 1-way streets.
- 2) A person who violates this section is responsible for a civil infraction.

8.3. **Stopping, Standing, or Parking on Streets Signed for Angle Parking, Violation as Civil Infraction.**

- 1) On those streets that have been signed or marked for angle parking a person shall not stop, stand, or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.
- 2) A person who violates this section is responsible for a civil infraction.

8.4. **Violating Terms of Permit for Backing Vehicle to Load or Unload at a Curb Prohibited; Violation as Civil Infraction.**

- 1) it is unlawful for any permittee or any other person to violate any of the special terms or conditions of any special permit issued to permit the backing of a vehicle to the curb for the purpose of loading or unloading.
- 2) A person who violates this section is responsible for a civil infraction.

8.5. **Parking in a Manner that Obstructs Traffic; Violation as Civil Infraction.**

- 1) A person shall not park any vehicle on a street in a manner that leaves an insufficient width of the roadway available for free movement of vehicular traffic.
- 2) A person who violates this section is responsible for a civil infraction.

8.6. **Vehicles Starting from Parked Position; Violation as Civil Infraction.**

- 1) A vehicle starting from a parked position shall yield to moving vehicles the right-of-way and the operator of such vehicle shall give a timely and visible warning signal before so starting.
- 2) A person who violates this section is responsible for a civil infraction.

8.7. **Vehicle Parked at Angle to Curb and About to Start; Yielding Right-of-Way; Backing into Lane of Moving Traffic; Violation as Civil Infraction.**

- 1) A vehicle which is parked at an angle to the curb and which is about to start shall yield to moving vehicles the right-of-way, and the operator of the vehicle shall not back such vehicle from the curb into the lane of moving traffic unless such maneuver can be made in safety and without conflict with moving vehicles.
- 2) A person who violates this section is responsible for a civil infraction.

8.8. **Lights on Parked Vehicles; Violation as Civil Infraction.**

- 1) If a vehicle is lawfully parked on a street and if there is sufficient natural or artificial light to reveal any person within a distance of 500 feet on such street, lights need not be displayed on such parked vehicle.
- 2) A person who violates this section is responsible for a civil infraction.

8.9. **Headlights on Parked Vehicles; Violation as Civil Infraction.**

- 1) Any lighted headlights on a parked vehicle shall be depressed or dimmed.

- 2) A person who violates this section is responsible for a civil infraction.

8.10. **Stopping, Standing, or Parking Vehicles; Violation as Civil Infraction.**

- 1) A person shall not stop, stand, or park a vehicle in any of the following places, except when necessary to avoid conflict with other traffic or to comply with the law or the directions of a police officer or traffic-control device:
 - a) On a sidewalk.
 - b) In front of a public or private driveway.
 - c) Within an intersection.
 - d) Within 15 feet of a fire hydrant.
 - e) On a crosswalk.
 - f) Within 20 feet of a crosswalk, or if none, then within 15 feet of the intersection of property lines at an intersection of streets.
 - g) Within 30 feet of any flashing beacon, stop sign, yield sign, or traffic-control signal located at the side of a street.
 - h) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
 - i) Within 50 feet of the railroad crossing.
 - j) Within 20 feet of the any fire station and, opposite the entrance within 75 feet of the signposted.
 - k) Alongside or opposite any street excavation obstruction when such stopping, standing, or parking would obstruct traffic.
 - l) On the street side of any vehicle stopped or parked at the edge or curb of a street.
 - m) On any bridge or other elevated structure on a street or within a street tunnel.
 - n) Within 200 feet of an accident at which police officers are in attendance.
 - o) In front of any theater.

- p) In any place or in any manner so as to block immediate egress from any emergency exit or exits which are conspicuously marked as building emergency exits.
- q) In any place or in any manner so as to block or hamper the immediate use of an immediate egress from any fire escape which is conspicuously marked as a fire escape and which provides an emergency means of egress from any building.
- r) At any place where official signs prohibit stopping, standing, or parking.
- s) In a parking space which is clearly identified by an official sign as being reserved for use by handicappers and which is on public property or private property that is available for public use, unless the person is a handicapper as described in the act or unless the person is parking the vehicle for the benefit of a handicapper. A certificate of identification issued under section 675(5) of the act to a handicapper shall be displayed on the lower left corner of the front windshield. A special registration plate issued under section 803d of the act to a handicapper shall be displayed on the vehicle.
- t) Within 500 feet of a fire at which fire apparatus are in attendance when the scene of the fire lies outside a city or village. However, volunteer fire fighters responding to the fire may park within 500 feet in a manner that does not interfere with fire apparatus at the scene. Vehicles legally parked before the fire shall be exempt from this subdivision.
- u) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities.
- v) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities.
- w) In violation of an official sign restricting the period of time for or manner of parking.
- x) In a place or in a manner that blocks access to a space clearly designated as a fire lane.

(Rev. 10-21-2013)

8.10A AUTHORITY TO AUTHORIZE ISSUANCE OF CITATIONS BY PERSONS OTHER THAN POLICE OFFICERS, AND IMPLEMENTATION, ADMINISTRATION AND TRAINING OF THE PROGRAM

- 1) The City of Troy Police Department may implement and administer a program to authorize and utilize persons other than police officers as volunteers to issue citations for the following violations:
 - a) Parking on a sidewalk in violation of Section 8.10a
 - b) Parking in front of a public or private driveway in violation of Section 8.10b.
 - c) Parking within 15 feet of a fire hydrant in violation of Section 8.10d
 - d) Parking on a crosswalk in violation of Section 8.10e.
 - e) Parking within 20 feet of a crosswalk or, if there is not a crosswalk, within 15 feet of the intersection of property lines at an intersection of highways in violation of Section 8.10f.
 - f) Parking at a place where an official sign prohibits stopping or parking in violation of Section 8.10r. This subdivision does not authorize a volunteer to issue a citation for any other violation set forth in Section 8.10 except as set out in this Section.
 - g) Parking in a space reserved for use by disabled persons in violation of Section 8.10s.
 - h) Parking in an access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities in violation of Section 8.10u.
 - i) Parking in violation of an official sign restricting the period of time or manner of parking in violation of Section 8.10w. This subdivision does not authorize a volunteer to issue a citation for any other violation set forth in Section 8.10 except as set out in this Section.
 - j) Parking in a space or in a manner that blocks access to a fire lane in violation of Section 8.10x.

- 2) Before authorizing and utilizing persons other than police officers to issue citations, the Troy Police Department shall implement a program to train the persons to properly issue citations as provided in this Section, of which not less than 8 hours shall be in parking enforcement, conducted by the Troy Police Department. A person who successfully completes a program of training implemented under this Section may issue citations as provided in this Section as authorized by the Troy Chief of Police or his/her designee.

(Rev. 10-21-2013)

8.11. **Motor buses; stopping; violation as civil infraction.**

- 1) Motor buses, for the purpose of taking on or discharging passengers, may stop at the places designated in section 8.10(2), (4), and (6) of this code or on the street side of a vehicle that is illegally parked in a legally designated bus loading zone.
- 2) A person who violates this section is responsible for a civil infraction.

8.12. **Moving parked vehicle; violation as civil infraction.**

- 1) A person shall not move a vehicle that is not lawfully under his or her control into any prohibited parking area or away from a curb such distance as is unlawful.
- 2) A person who violates this section is responsible for a civil infraction.

8.13. **Parking in alley prohibited; exception; stopping or standing in alley prohibited; exception; violation as civil infraction.**

- 1) A person shall not park a vehicle in an alley, except when authorized by official signs. A person shall not stop or stand a vehicle in any alley, except while actually in the process of loading or unloading such vehicle.
- 2) A person who violates this section is responsible for a civil infraction.

8.14. **Parking for certain purposes prohibited; violation as civil infraction.**

- 1) A person shall not park a vehicle on any street for the principal purpose of doing any of the following:
 - a) Displaying such vehicle for sale.
 - b) Washing, polishing, greasing, or repairing such vehicle, except for repairs necessitated by an emergency.
 - c) Displaying advertising.
 - d) Selling merchandise from such vehicle, except in a duly established market place or when so authorized or licensed under the ordinances of this governmental unit.
 - e) Storage for more than 48 continuous hours.
- 2) A person who violates this section is responsible for a civil infraction.

8.15. **Standing or parking on 1-way roadways prohibited; exception; violation as civil infraction.**

- 1) If a street includes 2 or more separate roadways and traffic is restricted to 1 direction on such roadway, a person shall not stand or park a vehicle on the left-hand side of such 1-way roadway, unless signs are erected to permit such standing or parking.
- 2) A person who violates this section is responsible for a civil infraction.

8.16. **Stopping, standing, or parking in passenger curb loading zone prohibited during certain hours; exception; violation as civil infraction.**

- 1) A person shall not stop, stand, or park a vehicle for any purpose or period of time, except for the expeditious loading or unloading of passengers, in any place marked as a passenger curb loading zone during hours when the provisions applicable to such passenger curb loading zone are effective, and then only for a period of not more than 5 minutes.
- 2) A person who violates this section is responsible for a civil infraction.

8.17. **Stopping, standing, or parking in freight curb loading zone prohibited during certain hours; exception; violation as civil infraction.**

- 1) A person shall not stop, stand, or park a vehicle for any purpose or period of time, except for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.
- 2) A person who violates this section is responsible for a civil infraction.

8.18. **Temporary stop at freight curb loading zone permitted; violation as civil infraction.**

- 1) The driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers, if such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.
- 2) A person who violates this section is responsible for a civil infraction.

8.19. **Stopping, standing, or parking of buses and taxicabs restricted; exception; violation as civil infraction.**

- 1) The operator of a bus or taxicab shall not stop, stand, or park on any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision does not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of, and while engaged in, the expeditious unloading or loading of passengers.
- 2) A person who violates this section is responsible for a civil infraction.

8.20. **Restricted use of bus and taxicab stands; violation as civil infraction.**

- 1) A person shall not stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose

of, and while actually engaged in, the expeditious loading or unloading of passengers, if such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

2) A person who violates this section is responsible for a civil infraction.

8.23. **Evidentiary presumption relating to parking violators.** In any proceeding for a violation of this ordinance relating to the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

8.23a. **Unlawful standing or parking of vehicle; warrant for arrest; proof establishing probable cause; evidentiary presumption.** Except as provided in section 8.23b of this code involving leased vehicles, in any proceeding relating to arrest and prosecution for the violation of a local ordinance or state statute relating to the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of the ordinance or state statute, together with proof, by verifying ownership of the vehicle with the secretary of state, that the defendant named in the complaint was at the time of the parking, the registered owner of the vehicle, shall be accepted by the court as establishing probable cause for the issuance of a warrant for the arrest of the registered owner and creates in evidence a presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

8.23b. **Unlawful Standing or Parking of Leased Vehicle; Evidentiary Presumption.** In a proceeding for a violation of Section 8.23a of this code involving a leased motor vehicle, proof that the particular vehicle -described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named in the citation, complaint, or warrant was the lessee of the vehicle at the time of the violation, constitutes in evidence a presumption that the lessee of the vehicle, not the registered owner, was the person who parked or place the vehicle at the point, and for the time during which, the violation occurred.

8.24. **Parking Signs Required; Exception.** If by this code or any other ordinance of this governmental unit any parking time limit is imposed or parking is prohibited on designated streets, such regulations shall not be effective unless appropriate signs giving notice of the' time limit or prohibited parking are erected and in place at the time of any alleged offense, except that such signs need not be erected to make ordinances regulating the stopping, standing, or parking of vehicles effective when these ordinances do not differ from the provisions of the act.

8.25. **Parking on Public or Private Property.** It shall be unlawful for any person to park a motor vehicle:

- 1) Off the street or roadway or any privately owned property, without the express or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property.
- 2) Off the street or roadway on any public property without the express or implied consent, authorization, or ratification of the authorized public authorities.
- 3) No person shall drive upon, park or stand any vehicle between the curb or curb line and the lot line nearest the street, said area being commonly known as lawn extension, whether or not any sidewalk or curb is actually in place on such street.
- 4) It shall be unlawful for the owner or operator of any commercial vehicle, truck or trailer, to park the same for a period exceeding one hour upon any residential street in the City of Troy, unless such vehicles are being used for the purpose of delivering or picking up goods, wares, merchandise or materials or is being used in connection with servicing any residences located adjacent to the street upon which said vehicles are parked and then only for such period as is necessary to complete the service. Commercial vehicles shall be defined as every motor vehicle used for transportation of passengers for hire, or constructed or used for transportation of goods, construction materials, wares or merchandise. Provided, however, that this shall not include camping trucks, trailers and other such vehicles used for recreational purposes only.
- 5) A person who violates this section is responsible for a civil infraction.

8.26. **Parking Vehicle Without License Plates.**

- 1) No person shall park a vehicle upon any public street unless such vehicle shall have current license plates securely attached to such vehicle and shall be in immediate operating condition except for repairs necessitated by any emergency.
- 2) A person who violates this section is responsible for a civil infraction.

8.27. **Parking; Expressway or Freeway; Disabled and/or Damaged Motor Vehicles.**

- 1) No person shall stop, stand, and or park a motor vehicle on the travel portion, shoulder, ramp, or other portion of right-of-way on any expressway or freeway in the City of Troy except for an emergency condition created by motor vehicle damage or mechanical difficulty. All motor vehicles so damaged or not functioning shall be deemed a hazard to vehicular traffic and shall be removed by the owner and or driver of said vehicle forthwith; the City of Troy Police Department shall remove all the

disable and/or damaged vehicles not removed by the owner or operator, and the cost of same shall be chargeable to the claimant who redeems the vehicle from the party hired for said removal.

8.28. **Purpose.** This article is to be interpreted as the standard of care necessary to protect both people and property within the City of Troy in case of fire or similar emergency in any of those establishments herein defined through the use of controlled fire lanes.

- a) **Authority.** The Fire Chief or his designated representative shall be responsible for recommending the establishment of fire lanes on private property within the City of Troy. The following criteria shall be used in determining the necessity of said fire lanes.
- 1) Fire lanes shall be established as deemed necessary at the following locations. This list shall not be deemed to be exclusive, but only as a guide as to type of the establishment where necessary.
 - a) Multi-family residential buildings and complexes
 - b) Public assembly buildings and complexes
 - c) Churches and schools
 - d) Hospitals, convalescent homes, nursing homes, etc.
 - e) Hotels, motels, etc.
 - f) Industrial buildings and complexes
 - g) Mercantile buildings and complexes
 - h) Office and professional buildings and complexes
 - 2) The necessity of access into the above enumerated areas from public thoroughfares.
 - 3) The necessity of traffic lanes free from parked vehicles both to and around the above enumerated establishments capable of handling city fire vehicles.

Whenever the Fire Chief or his designated representative deems such lanes necessary for the safety of occupants and property of the above enumerated establishments or when, after petitioned by a private land owner or his authorized representative to have said fire lanes established on his or her property, the Department will present to the Traffic Committee, recommendations to establish fire lanes thereon in accordance with the above criteria.

This article shall apply to all such existing facilities within the City of Troy. For fire lanes at new construction sites or modification of existing structures this article shall also apply and be administered by the Fire Department through the site plan review process. It shall be the duty of the Transportation Engineer or his designated representative to notify the land owner of any such property whereon fire lanes are to be established, by mailing notice of the meeting of the Traffic Committee to the address of the owner as found in the records of the city assessor. Said notice shall be mailed no less than 10 days in advance of the meeting.

The Traffic Committee will review the recommendations of the Fire Chief and hear objections, if any, from the owners of the private property to be posted and regulated. The findings, conclusions and recommendations of the Traffic Committee will be transmitted to the City Council for final action.

The Fire Department shall keep an accurate up-to-date record of all fire lanes established within the City of Troy. Duplicate copies will be on file in the Police Department and the Traffic Engineering Department.

- b) **Posting, uniformity, responsibility.** All fire lanes shall be conspicuously posted with posted with uniform fire lane signs in keeping with the standard established in the Michigan Manual of Uniform Traffic Control Devices as revised and as prescribed by the Fire Chief or his designated representative. The erection and maintenance of said signs shall be the responsibility of the property owner. Any owner, who, upon notification by the City Clerk that a fire lane has been established on his property and within (30) thirty days thereof fails to erect uniform fire lane signs shall be in violation of this article and subject to punishment as provided by ordinance. Further, when said signs are not erected within (30) thirty days of notification, the City council may direct said signs to be erected and the cost thereof assessed against the property on the next general assessment roll of the City.

When such fire lanes are adjacent to a parking lot such fire lanes shall be clearly outlined with curbing, posts or other markings raised above the grade sufficiently so they will not be obscured by snow or other materials. Fire lanes shall be not less than 18 feet wide.

The occupant of every premise adjoining a fire lane, or the owner of such premise if the premise is not occupied, shall not obstruct said fire lanes by emergency vehicles, the fire lanes may be ordered cleared. The expense incurred for clearing shall become a debt to the City from the owner of such premise and shall be collected as any other debt to the City.

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- c) **Exceptions.** The Fire Chief or his designated representative may grant permission for parking of certain vehicles, objects or trailers in designated fire lanes for limited periods where such parking will not interfere with the usage of the fire lane by emergency vehicles. Whenever such permission is granted, a record of same shall be kept by the Department. In conjunction with such permission, the Department shall furnish a permit to be posted conspicuously on the vehicle, object or trailer stating that permission to so park has been granted and the duration that it may remain so parked.

- d) **Guidelines for Building Department.** It shall be the duty of the Fire Chief or his designated representative to establish guidelines for use by the Building Department in determining the need for fire-lanes on all new construction sites and at modification of existing structures. These guidelines shall include those criteria found in Section 2 of this article and shall further include minimum dimensions for said fire lanes so as to provide adequate maneuverability for city fire vehicles during the construction phases of the project. The Fire Department shall make a final check of all plans for such building or alteration upon submission of same by the Building Department. The Fire Department shall either approve or reject such plans within (20) twenty days of such submission and, if rejected, shall state the reasons for same.

- e) **Enforcement.** When any administrative officer of the Troy Fire Department or any member of the Troy Police Department shall observe any vehicle', trailer, or other object parked in a fire lane as herein established and such vehicle, trailer, or other object is not there under authority of Section 5 of this article, any of the foregoing shall issue a violation notice and affix it to said vehicle, trailer, or other object.

If any vehicle, trailer or other object is so located within a fire lane at the time the Fire Department is responding to an alarm for any reason which necessitates use of such fire lane, then any member or members of the Troy Police Department or Troy Fire Department may move or cause same to be moved by any means possible without liability for any damage being incurred by the City of Troy or any officer, agent or employee thereof.

9.0 **MISCELLANEOUS**

9.2. **Invalidity or unconstitutionality of code; severability.** If any part or parts of this code are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this code. The ordinance-making body hereby declares that it would have passed this code and each part or parts thereof, irrespective of the fact that any part or parts be declared invalid or unconstitutional.

9.3. **Penalties.**

- 1) Any provision of this ordinance which describes an act or admission which constitutes a civil infraction shall be processed as a civil infraction and any

person found to have committed a civil infraction may be ordered to pay a civil fine of not more than \$100.00 and costs.

- 2) Violation of any other provisions of this ordinance not constituting a civil infraction, as herein provided, shall be punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days or by both such fine and imprisonment.

9.4. **Savings Clause.** All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are hereby saved and such proceedings may be consummated under and according to the ordinance enforced at the time such proceedings are or were commenced. This ordinance shall not be construed to alter, affect or abate any pending prosecution or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed by the ordinance adopting this traffic code for offenses committed before the effective date of this ordinance and all prosecutions pending at the effective date of this ordinance and all prosecutions instituted after the effective date of this ordinance for offenses committed before the effective date of this ordinance may be continued or instituted under and in accordance with the provisions of any ordinance enforced at the time of the commission of such offense.

10.0 **SNOWMOBILES**

10.1. **Word and phrases.** The following words and phrases, when used in this chapter, have the following meaning respectively ascribed to them in this chapter. When any word or phrase used in this chapter is not defined in this chapter, but is defined in this code or in Act No. 74 of the Public Acts of 1967, as amended, being §257.1501 et seq. of the Michigan Compiled Laws, the definitions used therein shall be deemed to apply to the words and phrases used in this chapter.

10.001. **Dealer.** "Dealer" means a person who is engaged in the sale, lease, or rental of snowmobiles as a regular business.

10.002. **Operate.** "Operate" means to ride in or on, or to be in actual physical control of, a snowmobile.

10.003. **Owner.** "Owner" means any of the following:

- a) A person who holds the legal title to a snowmobile in his or her name.
- b) A vendee or lessee of a snowmobile that is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.

- c) A person renting a snowmobile, or having the exclusive use of snowmobile, for more than 30 days.

10.004. **Private property open to the public.** "Private property open to the public" means property which is privately owned, but while is open to public access.

10.005. **Public property.** "Public property" means property owned, leased, or otherwise controlled by this governmental unit, including parks, parking lots, and recreational areas.

10.006. **Right of Way.** "Right-of-way" means that portion of a street or highway less the roadway and any shoulder.

10.007. **Snowmobile.** "Snowmobile" means a motor-driven vehicle which is designed for travel primarily on snow or ice and which utilizes sled-type runners or skis, an endless belt, or other similar means of contact with the surface on which it is operated.

10.11. **Registration Required; Exceptions.** A snowmobile shall not be operated within the corporate limits of this governmental unit unless and until it is registered by the owner pursuant to Act No. 74 of the Public Acts of 1968, as amended, being 257.1501 et seq. of the Michigan Compiled Laws, except that the following snowmobiles may be operated without being registered:

- a) A snowmobile operated exclusively on lands owned by, or under the control of, the snowmobile owner.
- b) A snowmobile used entirely in an approved safety education and training program conducted by a certified snowmobile safety instructor.
- c) A snowmobile that is exclusively operated in a special event of limited duration which is conducted according to a prearranged schedule under a permit from this governmental unit.

10.12. **Certificate of Registration:** Carrying; Display; Duplicate. A certificate of registration shall be carried on the snowmobile when it is in operation, and shall be displayed on demand of a police officer. If the certificate is lost, mutilated, or is illegible, the owner shall immediately obtain a duplicate certificate of registration by application to the secretary of state.

10.13. **Identification Number.** The identification number of the certificate of registration shall be prominently displayed on both sides of the forward half of the snowmobile. The number shall be painted on or attached in a permanent manner in block characters of good proportion, not less than 3 inches in height, reading from left to right, and shall contrast so as to be distinctly visible and legible. Other numbers shall not be attached or displayed on the snowmobile.

10.14. **Operation of Snowmobile Registered in Another State or Canada.** A snowmobile registered in another state, or in a Province of Canada, to a

nonresident of this state may be operated within this governmental unit under the authority of that registration for a period of not more than 20 days.

- 10.21. **Brakes.** A snowmobile shall be equipped with brakes which are capable of 1 of the following while the snowmobile travels on packed snow and carries an operator who weighs 175 pounds or more:
- a) Stopping the snowmobile in not more than 40 feet from an initial steady speed of 20 miles an hour.
 - b) Locking the snowmobile traction belt or belts.
- 10.22. **Lights.** A snowmobile shall be equipped with at least one headlight and one taillight and all headlights and taillights shall be in working order. The lights shall be lighted when the snowmobile is being operated between the hours from one-half hour after sunset to one-half hour before sunrise.
- 10.23. **Muffler.**
- 1) A snowmobile shall be equipped with a muffler in good working order and from which noise emission at 50 feet at right angles from the vehicle path under full throttle does not exceed 86 dba, decibels on the 'all scale, on a sound meter that has characteristics defined by American standards association SI.4 of 1966 entitled "General Purpose Sound Meter."
 - 2) A snowmobile manufactured after February 1, 1972, and sold or offered for sale in this state shall not exceed 82 dba as measured under the 1970 society of automobile engineers code J-192.
 - 3) A snowmobile manufactured after July 1, 1977, and sold or offered for sale in this state shall not exceed 78 decibels of sound pressure at 50 feet as measured under the 1974 society of automotive engineers code J-192a.
 - 4) This section does not apply to a snowmobile that is being used in an organized race on a course which is used solely for racing.
 - 5) American standards association, renamed American national standards institute, standard SI.4 of 1966, revised 1971 and reaffirmed 1976, may be purchased prepaid at \$5.50 per copy with a \$2.00 shipping fee from American National Institute, 1430 Broadway, New York, New York 10018. J-192a, the replacement for J-912, may be purchased from Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096, at a cost of 40 cents per page, or from Michigan State Police, 7150 Harris Drive, Lansing, Michigan 48913, at the same cost.
 - 6) The material in this section is incorporated by reference.

- 10.31. **Operation on Designated Public and Private Property.** A snowmobile shall be operated within the corporate limits of this governmental unit only on public property and private property opened to the public which has been so designated by the governing body of this governmental unit, or on property owned or under the control of the owner of the snowmobile, or a snowmobile may be operated upon the private property of another when the operator has obtained the express permission of the owner or agent of the owner of said private property; any use by an operator of a snowmobile on the property of another without such permission shall be prima-facie evidence of trespassing; no posting on private property prohibiting such use shall be necessary for the enforcement of this provision.
- 10.31a. **Special Events.** A snowmobile may be operated on a street or highway in a city park for a special event of limited duration conducted according to a prearranged schedule only under permit from the City of Troy or upon school property upon express authorization of the Troy School Board in writing according to a prearranged schedule.
- 10.32. **Time of Operation.** No person shall operate a snowmobile within the corporate limits of the City of Troy, including all areas of rights-of-way and private property between the hours of 11:00 p.m. and 7:00 a.m.
- 10.33. **Speeds.** A person shall not operate a snowmobile on public property or private property open to the public at a speed greater than is reasonable and proper having due regard for existing conditions.
- 10.34. **Operating Snowmobile Under Influence of Intoxicating Liquor or a Controlled Substance.** A person shall not operate a snowmobile on public property or private property open to the public while under the influence of intoxicating liquor or a controlled substance.
- 10.35. **Operation Between Midnight and 6 a.m.** A person shall not operate a snowmobile within 100 feet of a dwelling between 12 midnight and 6 a.m. at a speed greater than the minimum required to maintain forward movement of the snowmobile.
- 10.36. **Operation on Cemetery or Burial Ground.** A person shall not operate a snowmobile on or across cemetery or burial ground.
- 10.37. **Operation on Public Sidewalk.** A person shall not operate a snowmobile on a public sidewalk, except that snowmobile may be driven across a sidewalk at a regular driveway.
- 10.37a. **Operation on Lawn Extension.** No person shall drive upon, park or stand any snowmobile between the curb or curb line and the lot line nearest the street, said area being commonly known as the lawn extension whether - or not any sidewalk or curb is actually in place on the street.

10.38. **Operation on Limited Access Highway.** A person shall not operate a snowmobile on a limited access highway.

10.39. **Operation on Roadway Prohibited; Exceptions.**

- 1) A person shall not operate a snowmobile on any roadway within the corporate limits of this governmental unit, with the following exceptions:
 - a) The chief of police is hereby authorized to permit the operation of a snowmobile on a roadway when, because of snow or other extreme roadway conditions, conventional motor vehicles cannot be used for necessary transportation.
 - b) A Snowmobile may be operated on a roadway when necessary to cross the roadway or to cross a bridge or culvert. The snowmobile shall be brought to a complete stop before entering onto the roadway, and the operator shall yield the right-of-way to a vehicle approaching on the roadway.
 - c) A snowmobile may be operated on a roadway only for a distance of not more than 500 feet while traveling to an area approved for snowmobile use or between 2 approved areas.
- 2) A person shall not operate a snowmobile in any of the following locations:
 - a) In a forest nursery or a planting area or, if vegetation might be damaged, on public lands which are posted or which are reasonably identifiable as an area of forest reproduction or as a natural dedicated area in Michigan's lower peninsula.
 - b) On the frozen surface of public waters within 100 feet of a person, including a skater, who is not in or on a snowmobile, or within 100 feet of a fishing shanty or shelter, except at the minimum speed required to maintain forward movement of the snowmobile, or in an area that has been cleared of snow for skating purposes, unless the area is necessary for access to the public water.
 - c) In an area in which public hunting is permitted during the season open to the taking of deer with firearms from 7:00 a.m. to 11:00 a.m. and from 2:00 p.m. to 5:00 p.m., except during an emergency; for law enforcement purposes; to go to and from a permanent residence or a hunting camp otherwise inaccessible by a conventional wheeled vehicle; for the conduct of necessary work functions involving land and timber survey, communication and transmission line patrol, and timber harvest operations; or on the person's own property, property under the person's control, or property on which the person is an invited guest.
 - d) On or across a cemetery or burial ground.

- e) Within 100 feet of a slide, ski, or skating area. A snowmobile may enter such an area for the purpose of servicing the area or for medical emergencies.
 - f) On a railroad or railroad right-of-way, except when the railroad, a public utility, or a law enforcement employee is performing an official duty.
- 3) A person shall not transport a bow or firearm on a snowmobile unless the bow is unstrung or the firearm is securely encased or equipped with, and made inoperative by, a manufactured, key-locked, trigger-housing mechanism.

10.40. **Operation by Person Under 12 Years of Age.** A parent or legal guardian shall not permit a child who is under the age of 12 years to operate a snowmobile without the direct supervision of an adult, except on land owned by or under the control of, the parent or legal guardian. An operator under the age of 12 years shall not cross a street or highway.

10.41. **Operation by Persons 12 to 16 Years of Age.** A person who is 12 to 16 years of age may operate a snowmobile if any 1 of the following requirements is met:

- a) He or she is under the direct supervision of a person who is not less than 18 years of age.
- b) He or she has in his or her immediate possession a snowmobile safety certificate issued to him or her.
- c) He or she is on land owned or under the control of his or her parent or legal guardian.

10.51. **Accident; Notice; Report.**

- 1) The operator of a snowmobile who is involved in any accident which results in any injury to, or the death of, any person or any property damage in an estimated amount of not less than \$100.00 shall immediately notify the Police Department.
- 2) The Police Department shall complete a report of the accident on a form prescribed by the Director of the Department of State Police and shall forward the report to that Department. A copy of the accident report shall be retained by the Police Department for not less than three years.
- 3) Any court action in this state where competent evidence demonstrates that a vehicle which is permitted operated upon a highway pursuant to Act 300 of the Public Acts of 1949, as amended, is in a collision with a snowmobile, the driver of the snowmobile involved in the collision shall be considered prima-facia negligent.

10.60 **Selling or Offering for Sale.**

- 1) A person shall not sell or offer to sell in this state a snowmobile that is manufactured after July 1, 1978, unless it meets the minimum safety standards for snowmobile produce certification of the snowmobile safety and certification committee November 23, 1976, volume 3, entitled "Safety Standards for Snowmobiles for Product Certification." including detailed standard supplement and test specifications and procedures, covering machine sound levels, seats, controls, brake systems, fuel systems, shields and guards, electrical systems and lighting, reflectors, handgrips, and general hazard requirements.
- 2) Proof of compliance with the requirements of this section shall be in the form of certification by a qualified independent testing company which is not affiliated with the manufacturer and which is approved by the department of natural resources.
- 3) Copies of the standards specified in subsection (1)of this section may be purchased for \$2.50 per copy from snowmobile Safety and Certification committee Incorporated, Suite 850, South 1800 "M" Street, N.W., Washington, D.C. 20036 or from Michigan State Police, 7150 Harris Drive, Lansing, Michigan 48913 at the same cost.
- 4) The material in this section is incorporated by reference.

10.61 **Duties of Dealer; Liability Insurance.**

- 1) A dealer who rents, leases, or otherwise furnishes snowmobiles to the public shall maintain the snowmobiles so rented, leased, or furnished in safe operating condition. The dealer, his or her agents, or his or her employees shall explain the operation of the snowmobile being rented, leased, or furnished. If the dealer, agent, or employee believes that the person to whom the snowmobile is to be rented, leased, or furnished is not competent to operate the snowmobile with safety to himself or herself and to others, he or she shall refuse to rent, lease, or furnish the snowmobile.
- 2) A dealer who rents, leases, or otherwise furnishes a snowmobile shall carry a policy of liability insurance subject to limits, exclusive of interests and costs, with respect to the snowmobile, a follows:
 - a) \$20,000.00 because of bodily injury to, or death of, 1 person in any 1 accident and subject to that limit for 1 person.
 - b) \$40,000.00 because of bodily injury to, or death of, 2 or more persons in any 1 accident.

- c) \$10,000.00 because of injury to, or destruction of, property of others in any 1 accident.
- d) In the alternative, a dealer shall demand and be shown proof that the person renting, leasing, or being furnished a snowmobile carries a liability policy of at least the type and coverage specified in this subsection.

10.71 **Operation in Violation of chapter.** The owner of a Snowmobile shall not permit his or her snowmobile to be operated in violation of the provisions of this chapter.

10.72 **Registered Number as Evidence of Operation by Owner.** In a proceeding for a violation of this chapter involving prohibited operation or conduct, the registration number displayed on a snowmobile constitutes prima facie evidence that the owner of the snowmobile was the person operating the snowmobile at the time of this offense.

10.73 **Stopping at Direction of Uniformed Police Officer; Violation; Identification of Official Law Enforcement Vehicle.** The operator of a snowmobile who is given a visual or audible signal by hand, voice, emergency light, or siren by a police officer, who is acting in the lawful performance of his or her duty, which directs the operator to bring his or her snowmobile to a stop shall do so. An operator shall not willfully fail to obey the direction by increasing his or her speed, extinguishing his or her lights, or otherwise attempting to flee or elude the officer. (2) The officer who gives the signal shall be in uniform. A vehicle or snowmobile that is used at night for purposes of enforcing this chapter shall be identified as an official law enforcement vehicle or snowmobile.

10.74 **Violation as Misdemeanor.**

- 1) A person who violates a provision of this chapter is guilty of a misdemeanor.
- 2) When the judge of a juvenile court determines that a person who is less than 16 years of age has violated the act, the judge shall immediately report the determination to the department of natural resources. The director of the department of natural resources, upon receiving a notice of a determination pursuant to this subsection, may suspend the certificate without a hearing.

10.75 **Arrest Without Warrant; Procedures.** If a person is arrested without warrant for a violation of this chapter, except a violation of section 10.35 of this code, the arresting officer shall follow the procedures provided in section 2.10 or 2.11 of this code, whichever is applicable.

11.0 **MOTOR VEHICLE SIZE, WEIGHT AND LOAD RESTRICTIONS**

11.1 **Size, weight and load restrictions.**

- 1) Unless specifically declared to be a civil infraction, it is a misdemeanor for a person to drive or move or for the owner to cause or permit to be driven or moved on a highway a vehicle of a size and weight exceeding the limitations stated in this ordinance or otherwise in violation of this ordinance.
- 2) The provisions of this ordinance governing size, weight, and load do not apply to a fire apparatus; to an implement of husbandry; to a boat lift or oversized hydraulic boat trailer that is owned and operated by a marina or watercraft dealer and used exclusively in a commercial boat storage operation which is incidentally moved upon a highway; or to a vehicle operated under the terms of a special permit issued as provided in this ordinance.
- 3) The Michigan Department of Transportation, under the Administrative Procedures Act of 1969, 1969 PA 306 (MCL 24.201 to MCL 24.328), may promulgate rules permitting and regulating the operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations of this ordinance. The City may enforce those rules under this ordinance, but can take no actions in conflict with Federal, State, or local law.
- 4) A wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and one trailer that exceeds the size and weight limitations in this ordinance may be operated upon the highways of the City under the following conditions:
 - a) The wrecker is specifically designed for such towing operations; is equipped with flashing, oscillating, or rotating amber or red lights as permitted under MCL 257.698; and is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of disabled vehicles if those systems are operational.
 - b) For a combination of disabled vehicles, the wrecker is issued a special permit under section under MCL 257.725 by the Michigan Department of Transportation or the Road Commission for Oakland County if each trip beginning from the place of original disablement is 25 miles or less. The special permit is valid for the entire 25 mile towing distance, and the operator of that wrecker may remove the disabled vehicles from the roadway at any lawful point of his or her choosing within that distance.
 - c) For a single disabled vehicle, the wrecker is issued a special permit under MCL 257.725 by the Michigan Department of Transportation or the Road Commission for Oakland County for the transport of the disabled vehicle. A wrecker operator is not subject to mileage limitations under such a special permit.
 - d) The wrecker does not operate on any highway, road, street or structure that is included on a list provided by the State Transportation

Department that prohibits wreckers unless the disabled vehicle or combination of vehicles is actually located on one of those roads or structures.

- 5) The owner or operator of a wrecker that does not comply with Section 106.11.1 (4) is responsible for a civil infraction and shall pay a civil fine of not less than \$250.00 or more than \$500.00. The civil fine imposed under this subsection is in addition to any fine that may be imposed under Section 106. 11.13 or 106.11.15.

11.2

Maximum outside width of vehicles or loads; operation or movement of boat lifts and trailers.

- 1) The total outside width of a vehicle or the load on a vehicle that is operated on the highways, streets, and roadways in the City shall not exceed 96 inches, except as otherwise provided in this section.
- 2) A person may operate or move an implement of husbandry of any width on a highway as required, designed, and intended for farming operations, including the movement of implements of husbandry being driven or towed and not hauled on a trailer, without obtaining a special permit by the Michigan Department of Transportation or the Road Commission for Oakland County for an excessively wide vehicle or load under MCL 257.725. The operation or movement of the implement of husbandry shall be in a manner so as to minimize the interruption of traffic flow. A person shall not operate or move an implement of husbandry to the left of center of the roadway from a half hour after sunset or a half hour before sunrise, under the conditions specified in 5.22 of Chapter 106 of this Ordinance, or at any other time where visibility is substantially diminished due to weather conditions. A person operating or moving an implement of husbandry shall follow all traffic regulations.
- 3) The total outside width of the load of a vehicle hauling concrete pipe; agricultural products; or unprocessed logs, pulpwood, or wood bolts shall not exceed 108 inches.
- 4) Except as provided in subsections (2) and (5), if a vehicle that is equipped with pneumatic tires is operated on a highway, the maximum width from the outside of one wheel and tire to the outside of the opposite wheel and tire shall not exceed 102 inches, and the outside width of the body of the vehicle or the load on the vehicle shall not exceed 96 inches. However, a truck or trailer or a tractor and semi-trailer combination hauling pulpwood or unprocessed logs may operate with a maximum width of up to 108 inches, in accordance with a special permit issued under MCL 257.725.
- 5) The total outside body width of a bus, a trailer coach, a trailer, a semi-trailer, a truck camper, or a motor home shall not exceed 102 inches. However, an appurtenance of a trailer coach, a truck camper, or a motor

home that extends not more than 6 inches beyond the total outside body width is not a violation of this Section.

- 6) A vehicle shall not extend beyond the center line of a state trunk highway except when authorized by law. Except as provided in subsection (2) above, if the width of the vehicle makes it impossible to stay away from the center line, a permit shall be obtained under MCL 257.725.
- 7) The City may designate a highway under its jurisdiction as a highway on which a person may operate a vehicle or vehicle combination that is not more than 102 inches in width, including load, the operation of which would otherwise be prohibited by this Section. The City may require that the owner or lessee of the vehicle or of each vehicle in the vehicle combination secure a permit before operating the vehicle or vehicle combination. This Section does not permit the operation of a vehicle or vehicle combination described in Section 106.11.11 if the operation would otherwise result in a violation of that Section.
- 8) The Michigan Department of Transportation or the Road Commission of Oakland County may issue a special permit under MCL 257.725 to a person operating a vehicle or vehicle combination if all of the following are met:
 - a) The vehicle or vehicle combination, including load, is not more than 106 inches in width.
 - b) The vehicle or vehicle combination is used solely to move new motor vehicles or parts or components of new motor vehicles between facilities that meet all of the following:
 - i) New motor vehicles or parts or components of new motor vehicles are manufactured or assembled in the facilities.
 - ii) The facilities are located within 10 miles of each other.
 - iii) The facilities are located within the Troy city limits.
 - iv) The special permit and any renewals are each issued for a term of one year or less.
- 9) A person who violates this Section is responsible for a civil infraction. The operator or the owner of the vehicle may be charged with a violation of this Section.

11.3

Passenger-type vehicles; projected load.

- 1) A passenger type vehicle shall not be operated on a highway with a load carried on the vehicle extending beyond the line of the fenders on the left

side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle.

- 2) A person who violates this section is responsible for a civil infraction.

11.4

Height, length; combinations; connecting assemblies, lighting devices; weight; violations.

- 1) A vehicle, either unloaded or with load, shall not exceed a height of 13 feet 6 inches. The owner of a vehicle that collides with a lawfully established bridge or viaduct is liable for all damage and injury resulting from a collision caused by the height of the vehicle, whether the clearance of the bridge or viaduct is posted or not.
- 2) Lengths described in this Section shall be known as the normal length maximum. Except as provided in Section (3) below, the following vehicles and combinations of vehicles shall not be operated on a highway in this City in excess of these lengths:
 - a) Subject to subsection 8, below, any single vehicle -40 feet; a crib vehicle on which logs are loaded lengthwise of the vehicle- 42.5 feet; any single bus or motor home- 45 feet.
 - b) Articulated buses- 65 feet.
 - c) Notwithstanding any other provision of this Section, a combination of a truck and semi-trailer or trailer, or a truck tractor, semi-trailer, and trailer, or truck tractor and semi-trailer or trailer, designated and used exclusively to transport assembled motor vehicles or bodies, recreational vehicles, or boats- 65 feet. Stinger-steered combinations- 75 feet. The load on the combinations of vehicles described in this Section may extend an additional 3 feet beyond the front and 4 feet beyond the rear of the combinations of vehicles. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination.
 - d) Truck tractor and semi-trailer combinations- no overall length, but the semi-trailer shall not exceed 50 feet.
 - e) Truck and semi-trailer or trailer- 59 feet.
 - f) Except as provided in Section (g) below, a combination of a truck tractor, semi-trailer, and trailer, or truck tractor and 2 semi-trailers- 59 feet.
 - g) A truck tractor, semi-trailer, and trailer, or a truck tractor and 2 semi-trailers, in which no semitrailer or trailer is more than 28 ½ feet long- 65

- feet. This Section only applies while the vehicle is being used for a business purpose that is reasonably related to picking up or delivering a load and only if each semi-trailer or trailer is equipped with a device or system capable of mechanically dumping construction materials or dumping construction materials by force of gravity.
- h) More than one motor vehicle, wholly or partially assembled, in combination, utilizing one tow bar or three saddle mounts with full mount mechanisms and utilizing the motive power of one of the vehicles in combination- 55 feet.
- 3) The normal length maximums, as set forth in Section (2) above, may be exceeded for the following vehicles and combinations of vehicles, but they shall comply with the following:
- a) Truck tractor and semi-trailer combinations- no overall length limit, but the semi-trailer shall not exceed 53 feet. All semi-trailers longer than 50 feet shall have a wheelbase of 37.5 to 40.5 feet, plus or minus 0.5 feet, measured from the kingpin coupling to the center of the rear axle or the center of the rear axle assembly. A semi-trailer with a length longer than 50 feet shall not operate with more than 3 axles on the semi-trailer. Vehicles with a semi-trailer longer than 50 feet may be prohibited from stopping in the City unless the stop occurs along appropriately designated routes, or is necessary for emergency purposes or to reach shippers, receivers, warehouses, and terminals along designated routes.
 - b) Truck and semi-trailer or trailer combinations- 65 feet, except that a person may operate a truck and semi-trailer or trailer designed and used to transport saw logs, pulpwood, and tree length poles that does not exceed an overall length of 70 feet or a crib vehicle and semi-trailer or trailer designated and used to transport saw logs that does not exceed an overall length of 75 feet. A crib vehicle and semi-trailer or trailer designed for and used to transport saw logs shall not exceed a gross vehicle weight of 164,000 pounds. A person may operate a truck tractor and semi-trailer designed for and used to transport saw logs, pulpwood, and tree length wooden poles with a load overhang to the rear of the semi-trailer which does not exceed 6 feet if the semi-trailer does not exceed 50 feet in length.
 - c) Notwithstanding Section 106.11.4 (4) (d), a truck tractor with a log slasher unit and a log saw unit- no maximum length limit if the length of each unit does not exceed 28 ½ feet, or the overall length of the log slasher unit and the log saw unit, as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together, does not exceed 58 feet. The coupling devices of the truck tractor and units set forth in this Section shall meet the requirements established under the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.25.

- d) Truck tractor and 2 semi-trailers, or truck tractor, semi-trailer, and trailer combinations- no overall length limit, as long as the length of each semi-trailer or trailer does not exceed 28 ½ feet each, or the overall length of the semi-trailer and trailer, or 2 semi-trailers, as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together, does not exceed 58 feet.
 - e) More than one motor vehicle, wholly or partially assembled, in combination, utilizing one tow bar or 3 saddle mounts with full mount mechanisms and utilizing the motive power of one of the vehicles in combination- maximum 75 feet.
- 4) The following combinations and movements are prohibited:
- a) A truck shall not haul more than one trailer or semi-trailer, and a truck tractor shall not haul more than 2 semi-trailers or 1 semi-trailer and 1 trailer in combination at any one time, except that a farm tractor may haul 2 wagons or trailers, or garbage and refuse haulers may, during daylight hours, haul up to 4 trailers for garbage and refuse collection purposes, as long as the total length of any combination does not exceed 55 feet and the vehicles are operated at a speed limit of 15 miles per hour or less.
 - b) A combination of vehicles or a vehicle shall not have more than 11 axles, except when operating under a valid permit issued by the Michigan Department of Transportation or the Road Commission of Oakland County under MCL 257.725 on highways under its jurisdiction.
 - c) Any combination of vehicles not specifically authorized under this Section is prohibited.
 - d) Except as provided in Section 106.11.4 (3) (c) a combination of 2 semi-trailers pulled by a truck tractor, unless each semi-trailer uses a fifth wheel connection assembly that conforms to the requirements of the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.25.
 - e) A vehicle or combination of vehicles shall not carry a load extending more than 3 feet beyond the front of the lead vehicle.
 - f) A vehicle described in Section 106.11.4 (2) (e) and (3) (e) employing triple saddle mounts, unless all wheels that are in contact with the roadway have operating brakes.

- 5) All combinations of vehicles under this Section shall employ connecting assemblies and lighting devices that are in compliance with the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.25.
- 6) The total gross weight of a truck tractor, semi-trailer, and trailer combination or a truck tractor and 2 semi-trailers combination that exceeds 59 feet in length shall not exceed a ratio of 400 pounds per engine net horsepower delivered to clutch or its equivalent, as specified in the handbook published by the Society of Automotive Engineers, Inc. (SAE), 1977 edition.
- 7) A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section.
- 8) The provisions in Sections 106.11.4 (2) (a) and (3) (b) prescribing the length of a crib vehicle on which logs are loaded lengthwise do not apply unless section 127(d) of Title 23 of the United States Code, 23 USC 127, is amended to allow crib vehicles carrying logs to be loaded as described in this section.
- 9) As used in this Section:
 - a) “**Designated highway**” means a highway under the jurisdiction of the City of Troy and approved by the State of Michigan as a highway.
 - b) “**Length**” means the total length of a vehicle, or combination of vehicles, including any load the vehicle is carrying. Length does not include devices described in 23 CFR 658.16 and 23 CFR part 658, appendix D, 23 CFR 658.16 and 23 CFR part 658, appendix D, as on file with the Michigan Secretary of State and as adopted by reference. A safety or energy conservation device shall be excluded from a determination of length only if it is not designed or used for the carrying of cargo, freight, or equipment. Semi-trailers and trailers shall be measured from the front vertical plane of the foremost transverse load supporting the structure to the rear-most transverse load supporting the structure. Vehicle components not excluded by law shall be included in the measurement of the length, height, and width of the vehicle.
 - c) “**Stinger-steered combinations**” means a truck tractor and semi-trailer combination in which the fifth wheel is located on a drop frame located behind and below the rear-most axle of the power unit.

11.5

Towing vehicle with mobile home attached; operating restrictions; permits; transport requirements; violations; definitions.

- 1) Notwithstanding any other provisions of this ordinance, a person shall not operate on a highway of this City a towing vehicle to which a mobile home is attached, if that mobile home is more than 45 feet in length or more than

60 feet in length when combined with the towing vehicle; or is more than 12 ½ feet in height; or has an actual body width of more than 102 inches at base rail, unless that person possesses either of the following:

- a) A permit issued by the Michigan Department of Transportation or the Road Commission of Oakland County pursuant to MCL 257.725.
 - b) A special permit issued by the Michigan Department of Transportation or the Road Commission of Oakland County pursuant to MCL 257.725.
- 2) Pursuant to MCL 257.725, the Michigan Department of Transportation or the Road Commission of Oakland County may issue an annual permit to a mobile home transport company; a mobile home manufacturer; or a mobile home dealer to move a mobile home over a highway under the jurisdiction of the City, in the ordinary course of that company's, manufacturer's, or dealer's business, as long as the mobile home conforms to each of the following:
- a) The mobile home is not more than 12 feet wide.
 - b) The actual body length of the mobile home is not more than 80 feet and the combined length of the mobile home and towing vehicle is not more than 105 feet; or the total length of a combination of mobile homes is not more than 80 feet and the total length of a combination of mobile homes and towing is not more than 105 feet.
- 3) Pursuant to MCL 257.725, the Michigan Department of Transportation or the Road Commission of Oakland County may issue a special permit for the movement of a mobile home over a highway within its jurisdiction if the width of that mobile home conforms to both of the following:
- a) The mobile home is not more than 16 feet wide plus normal appurtenances or eaves that extend not more than 6 inches from any side of the mobile home.
 - b) The length of the mobile home complies with Section 106.11.5 (2) (b).
- 4) A person operating a towing vehicle under Section 106.11.5 (3) shall transport a mobile home only on the lane farthest to the right of that person. When the wind velocity exceeds 25 miles per hour, a person shall not move a mobile home that is 14 or more feet in width.
- 5) Pursuant to MCL 257.725, the Michigan Department of Transportation or the Road Commission of Oakland County shall not issue a permit for the transportation of a mobile home on a Saturday, Sunday, legal holiday (from noon the day before until the noon the day after a holiday), or during the hours between sunset and sunrise.

- 6) Persons operating a vehicle towing a mobile home shall comply with all of the conditions of a permit issued by Michigan Department of Transportation or the Road Commission of Oakland County pursuant to MCL 257.725. A permit issued under MCL 257.725 includes all of the following:
- a) The date, day, and time period during which a mobile home may be moved on a highway, subject to the permit.
 - b) Notice that the permit is conditioned upon its holder's compliance with all of the permit's terms and with the law.
 - c) Notice that the operator of a towing vehicle transporting the mobile home shall operate the towing vehicle on a highway as follows:
 - i) At a safe speed and in a safe manner that will not impede motor traffic.
 - ii) Only when the surface condition of the highway is not slippery.
 - iii) In accordance with seasonal load restrictions.
 - d) For a mobile home or park model trailer and towing vehicle, when combined, are more than 80 feet in length or more than 12 feet wide, all of the following:
 - i) Notice that the mobile home or park model trailer shall be equipped with two flashing amber lights on the rear of the mobile home or park model trailer and one flashing amber light on the top of the towing vehicle.
 - ii) Notice that the mobile home or park model trailer shall be equipped with stop lights and directional lights on the rear of the mobile home or park model trailer.
 - iii) Notice that the signs with the words "oversize load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer, or in the case of mobile homes or park model trailers that are 16 feet wide, notice that signs with the words "16-ft wide load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer.
 - iv) Notice that the signs identified in paragraph (iii) above shall be of durable material, in good condition, with black lettering on interstate yellow background, and that each letter shall be of block lettering that is not less than 12 inches high at the front and not less than 16 inches high at the rear of the unit.

- v) Notice that a vehicle escort is required on those roads where the Michigan State Police and the Troy Police Department considers escort vehicles necessary for highway safety.
- 7) Signs and other special identification for escort vehicles shall conform to Michigan Transportation Department's requirements for all escort vehicles for oversized loads.
- 8) For a mobile home or park model trailer being moved pursuant to this Section or MCL 257.725, the distance between mobile home or park model trailer axle centers shall not be less than 34 inches. The axle and tires shall meet standards established by the Michigan Transportation Department.
- 9) This section does not grant or give authority to the Michigan Department of Transportation, the Road Commission of Oakland County or the Troy Police Department that did not exist on May 1, 1982 in accordance with 23 USC 127.
- 10) A person who violates this section is responsible for a civil infraction and may be assessed a civil fine of not more than \$500.00. The operator or the owner of the towing vehicle may be charged with a violation of this section.
- 11) As used in this section:
 - a) "**Jurisdictional authority**" means the Michigan Transportation Department, the Road Commission of Oakland County or the City of Troy.
 - b) "**Mobile home**" means any of the following:
 - i) A pre-built housing module.
 - ii) That term, as defined in section 2 of the Mobile Home Commission Act, Act No. 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws.
 - iii) A section of a mobile home as that term is defined under this Ordinance.

11.6 **Mobile homes; additional requirements for transporting.**

All mobile homes transported on the highways of the City that are more than 14 1/3 feet wide (plus normal appurtenances that expand no more than 6 inches, and an eave that extends no more than 2 feet from the width of the mobile home), are subject to the following requirements in addition to the requirements of Section 106.11.4:

- a) Two escort vehicles shall escort the towing vehicle and mobile home on all 2-lane roads and on those roads where the Troy Police Department considers two escort vehicles necessary for highway safety.
- b) Each towing vehicle shall be equipped with a radio or other device that allows for continuous communication between the towing vehicle and each escort vehicle.
- c) The person transporting the mobile home shall have in effect a liability insurance policy covering personal injury and property damage and having a policy limit of not less than \$1,000,000.00.
- d) The towing vehicle and mobile home shall not exceed a speed of 45 miles per hour or 10 miles per hour below the posted speed limit, whichever is lower.

11.7 **Trucks hauling semitrailers, transportation of passengers for sightseeing purposes; approval of city; speed limitation; safety equipment; inspection.**

- 1) Notwithstanding Section 106.11.4, the Troy Police Department may give approval for a truck to be used to haul up to 4 semi-trailers for the purpose of transporting passengers for sightseeing purposes, as long as the truck does not travel more than 3 miles beyond the City boundaries and does not exceed a speed limit of 25 miles per hours.
- 2) A truck and a semi-trailer, as described in this Section, shall meet the following requirements:
 - a) Be equipped with hazard warning lights, and slow-moving vehicle emblems, as described in MCL 257.688.
 - b) Be equipped with safety belts, as described in MCL 257.710e, for each individual seat.
 - c) Be compliant with any applicable federal safety standards.
- 3) Before operating a truck regulated by this Section, the operator of the truck shall secure the proper group vehicle designation and any required endorsement required on his or her operator's or chauffeur's license.
- 4) A truck and semi-trailer used as described in this Section shall be inspected annually by the Michigan Department of State Police.

11.8 **Construction or loading of vehicle to prevent spillage on highway or roadway; loading of vehicle which is not completely enclosed; operation of vehicle equipped with front end loading device with protruding tine; offenses and penalties.**

- 1) A person shall not drive or move a vehicle on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping from the vehicle. This requirement does not apply to a vehicle transporting agricultural or horticultural products, such as hay, straw, silage, or residue from a product (but not including the product itself), or when materials such as water that is used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway. The tailgate, faucets, and taps on a vehicle shall be securely closed to prevent spillage during transportation, whether the vehicle is loaded or empty, and the vehicle shall not have any holes or cracks through which material can escape. Any highway maintenance vehicle engaged in either ice or snow removal shall be exempt from this Section.
- 2) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this Section.
- 3) Except as provided in this Section, a vehicle carrying a load, (other than logs or tubular products), which is not completely enclosed shall meet either of the following requirements:
 - a) The load shall be covered with firmly secured canvas or a similar type of covering. A device used to comply with the requirement of this Section shall not exceed a width of 108 inches nor by design or use have the capability to carry cargo by itself.
 - b) The load shall be securely fastened to the body or the frame of the vehicle with binders of an adequate number and of adequate breaking strength to prevent the dropping off or shifting of the load.
- 4) A company or individual who loads or unloads a vehicle or causes it to be loaded or unloaded, with the knowledge that it is to be driven on a public highway, and the loading or unloading is done in a manner so as to cause a violation of Subsection 106.11.8 (1) shall be prima facie liable for a violation of this Section.
- 5) Section 106.11.8 (3) does not apply to a person operating a vehicle to transport agricultural commodities or to a person operating a farm truck or implement of husbandry that is transporting sand, gravel, and dirt which is necessary in the normal operation of a farm. However, if such person violates subsections 106.11.8 (1) or (4), the person is guilty of a misdemeanor and is subject to the penalties prescribed in subsection 106.11.8 (9).
- 6) Section 106.11.8 (3) (a) does not apply to a motor vehicle transporting items in a load that, because of their weight, will not fall off the moving vehicle and that have their center of gravity located at least 6 inches below the top of the

enclosure. Similarly, Section 106.11.8 (3) does not apply to a motor vehicle carrying metal that, because of its weight and density, is so loaded as to prevent it from dropping or falling off the moving vehicle.

- 7) Section 106.11.8 (3) (a) does not apply to motor vehicles and other equipment that is engaged in work upon the surface of a highway or street in a designated work area.
- 8) A person shall not drive or move on a highway a vehicle equipped with a front end loading device with a tine protruding parallel to the highway beyond the front bumper of the vehicle unless the tine is carrying a load designed to be carried by the front end loading device. This Section does not apply to a vehicle designed to be used or being used to transport agricultural commodities; to a vehicle en route to a repair facility; or to a vehicle engaged in construction activity. As used in this Section, “agricultural commodities” means that term as defined in section 106.11.10.
- 9) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.
- 10) As used in this section, “logs” means saw-logs, pulpwood, or tree length poles.

11.9

Trailers towed by passenger vehicle, attachment.

- 1) Except as otherwise provided in Section 106.11.9 (5), a passenger vehicle or a pickup truck shall not be driven upon a highway drawing or having attached to the passenger vehicle or pickup truck more than one vehicle or trailer.
- 2) The drawbar or other connection between 2 vehicles, one of which is towing or drawing the other on a highway, shall not exceed 15 feet in length from one vehicle to the other. If the connection consists of a chain, rope, or cable, there shall be a red flag or other signal or cloth on the connection that is at least 12 inches both in length and width.
- 3) A vehicle or trailer towed or drawn by a vehicle shall be attached to the vehicle with coupling devices in a manner so that when the combination is operated in a linear alignment on a level, smooth, paved surface, the movement of the towed or drawn vehicle or trailer does not deviate more than three inches to either side of the path of the towing vehicle that tows or draws it. The vehicle or trailer shall also be connected to the towing vehicle by suitable safety chains or devices, one on each side of the coupling and at the extreme outer edge of the vehicle or trailer. Each chain or device and connection used shall be of sufficient strength to haul the vehicle or trailer when loaded. In the case of an implement of husbandry with a gross vehicle weight rating or gross combination weight rating of 10,000 pounds or less,

the safety chains or devices required under this subsection shall conform to the federal motor carrier safety regulations requirements, which are currently provided in 49 C.F.R. 393.70(d)(5).

- 4) A pickup truck with a fifth wheel assembly shall not tow a semi-trailer unless the fifth wheel assembly conforms to the standards prescribed in the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.22 and Section 12.1 to section 12.20 of this ordinance.
- 5) Notwithstanding Section 106.11.9 (1), a pickup truck with a towing rating equal to or greater than the weight being towed, that is equipped with a fifth wheel assembly that conforms with the standards prescribed in the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.22, which is towing a semi-trailer that is designated for recreational living purposes, may tow an additional trailer or semi-trailer under the following conditions:
 - a) The additional trailer or semi-trailer shall be attached as set forth in Section 106.11.9 (3). The safety chains described in Section 106.11.9 (3) shall be securely attached at the extreme outer edge of the attached trailer or semi-trailer with a locking mechanism. The towing vehicle hitch shall be of substantial material and shall be attached in a proper and skillful manner to the frame of the towing vehicle.
 - b) The total length of the pickup truck, plus the semi-trailer that is designed for recreational living purposes, and the additional trailer or semi-trailer, and the load of the vehicle, shall not exceed 65 feet while on any highway in the City.
 - c) The gross weight of the additional trailer or semi-trailer towed or drawn shall not exceed the empty weight of the pickup truck or the empty weight of the semi-trailer.
- 6) For the purpose of this Section, a pickup truck towing a semi-trailer and an additional trailer shall be considered a passenger vehicle and shall comply with the speed limit requirements of MCL 257.627 (5).
- 7) A person who violates this section is responsible for a civil infraction.

11.10

Wheel and axle loads; seasonal weight restrictions, exceptions.

- 1) The maximum axle load shall not exceed the number of pounds, as designated in the following provisions which prescribe the distance between axles:
 - a) If the axle spacing is 9 feet or more between axles, the maximum axle load shall not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.

- b) If the axle spacing between two axles is less than 9 feet but more than 3 ½ feet, the maximum axle load shall not exceed 13,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.
 - c) If the axles are spaced less than 3 ½ feet apart, the maximum axle load shall not exceed 9,000 pounds per axle.
 - d) Sections 106.11.10 (a), (b) and (c) shall be known as the normal loading maximum.
- 2) When normal loading is in effect, the Troy Police Department may designate certain highways, or sections of those highways under its jurisdiction, where bridges and road surfaces are adequate for heavier loading, and may also revise a designation to allow the maximum tandem axle assembly loading of up to 16,000 pounds for any axle of the assembly, as long as there is no other axle within 9 feet of any axle of the assembly.
 - 3) On a legal combination of vehicles, only one tandem axle assembly shall be permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle, but only if there is no other axle within 9 feet of any axle of the assembly, and if no other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle. On a combination of truck tractor and semi-trailer having up to 5 axles, two consecutive tandem axle assemblies shall be permitted on the designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly.
 - 4) Notwithstanding Section 106.11.10 (3), on a combination of truck tractor and semi-trailer having up to 5 axles, two consecutive sets of tandem axles may carry a gross permissible weight of up to 17,000 pounds on any of the tandem axles if there is no other axle within 9 feet of any axle of the tandem axle and if the first and last axle of the consecutive sets of tandem axles are at least 36 feet apart and the gross vehicle weight does not exceed 80,000 pounds, to pick up and deliver agricultural commodities between the national truck network or special designated highways and any other highway. This Section is not subject to the maximum axle loads of subsections 106.11.10 (1), (2) and (3). For purposes of this Section, a “tandem axle” means two axles spaced more than 40 inches but not more than 96 inches apart or two axles spaced more than 3 ½ feet but less than 9 feet apart. This Section does not apply during that period when reduced maximum loads are in effect, pursuant to Section 106.11.10 (8).
 - 5) In order to be exempt from the loading maximums and gross vehicle weight requirements, the person hauling agricultural commodities, who picks up or delivers either from a farm or to a farm, shall notify the Road Commission for Oakland County at least 48 hours before the pickup or delivery, indicating the time and location of the pickup or delivery. Pursuant to MCL 257.722 (5) the Oakland County Road Commission shall issue a permit to

such a person and charge a fee that does not exceed the administrative costs incurred. The permit shall contain the all of the following:

- a) The designated route or routes of travel for the load.
 - b) The date and time period requested by the person who picks up or delivers the agricultural commodities during which the load may be delivered or picked up.
 - c) A maximum speed limit of travel, if necessary.
 - d) Any other specific conditions agreed to between the parties.
- 6) In order to be exempt from the loading maximums and gross vehicle weight requirements, public utility vehicles that are owned or operated by public utilities under the jurisdiction of the Michigan Public Service Commission, or are subcontracted by public utilities under the jurisdiction of the Michigan Public Service Commission, when performing electrical emergency public utility work, must meet the following circumstances:
- a) For emergency public utility work on restricted roads, as follows:
 - i) If required by the Road Commission for Oakland County, the public utility shall notify the Road Commission for Oakland County, as soon as practical, of the location of the emergency public utility work and provide a statement that the vehicles that were used to perform the emergency utility work may have exceeded the loading maximums and gross vehicle weight requirements of this Ordinance. The notification may be made via facsimile or electronically.
 - ii) The public utility vehicle travels to and from the site of the emergency public utility work while on a restricted road at a speed not greater than 35 miles per hour.
 - b) For non-emergency public utility work on restricted roads, as follows:
 - i) If the Road Commission for Oakland County requires, the public utility shall apply to the Road Commission for Oakland County annually for a seasonal truck permit for roads under its authority before seasonal weight restrictions are effective. Pursuant to MCL 257.722(6), the Road Commission for Oakland County shall issue a seasonal truck permit for each vehicle or vehicle configuration the public utility anticipates will be utilized for non-emergency public utility work. Pursuant to MCL 257.722 (6), the Road Commission for Oakland County may charge a fee for a permit that does not exceed the administrative costs incurred

for the permit. The seasonal truck permit shall contain all of the following:

- A. The seasonal period requested by the public utility, during which the permit is valid.
 - B. A unique identification number for the vehicle and any vehicle configuration to be covered on the seasonal truck permit that is requested by the public utility.
 - C. A requirement that travel on restricted roads during weight restriction periods will be minimized and only utilized when necessary to perform work using the public utility vehicle or vehicle configuration and that non-restricted roads shall be used for travel when available and for routine travel.
- ii) Pursuant to MCL 257.722 (6), if the Road Commission for Oakland County requires notification, the Road Commission of Oakland County shall provide a notification application for the public utility to use when requesting access to operate on restricted roads and the public utility shall provide notification to the Road Commission of Oakland County, via facsimile or electronically, not later than 24 hours before the time of the intended travel. Notwithstanding this Section or an agreement under this Section, if the Road Commission for Oakland County determines that the condition of a particular road under its jurisdiction makes it unusable, the Road Commission for Oakland County may deny access to all or any part of that road. The denial shall be made and communicated via facsimile or electronically to the public utility within 24 hours after receiving notification that the public utility intends to perform non-emergency work that requires use of that road. Any notification that is not disapproved within 24 hours after the notice is received by the Road Commission of Oakland County is considered approved. The notification application, as required under MCL 257.722 (6), may include all of the following information:
- A. The address or location of the non-emergency work.
 - B. The date or dates of the non-emergency work.
 - C. The route to be taken to the non-emergency work.
 - D. The restricted road or roads intended to be traveled upon to the non-emergency work site or sites.
- 7) The normal size of tires shall be the rated size, as published by the manufacturers, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.

- 8) Except as provided in this Section and Section 106.11.10 (9), during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this ordinance, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the time that the seasonal road restrictions are in effect. This Section does not apply to vehicles transporting agricultural commodities or public utility vehicles on a highway, road, or street under the jurisdiction of Troy. For the highways, roads, or streets under Troy's jurisdiction to which the seasonal restrictions prescribed under this Section apply, Troy shall post all of the following information on the homepage of its website:
 - a) The dates when the seasonal restrictions are in effect.
 - b) The names of the highways and streets and portions of highways and streets to which seasonal restrictions apply.
- 9) Pursuant to MCL 257.722 (9), the Michigan Department of Transportation (for roads under its jurisdiction) and the Road Commission for Oakland County (for roads under its jurisdiction) may grant exemptions from seasonal weight restrictions for the transport of milk on specific routes, when requested in writing. Approval or denial of a request for an exemption shall be given by written notification to the applicant within 30 days of submission of the application. If a request is denied, the written notice shall state the reason for the denial and alternate routes for which the permit may be issued. The applicant may appeal to the Michigan Department of Transportation or the Road Commission for Oakland County. These exemptions do not apply on county roads in counties that have negotiated agreements with milk haulers or haulers of other commodities during periods of seasonal load limits before April 13, 1993. This subsection does not limit the ability of these counties to negotiate such agreements.
- 10) The Troy Police Department, with respect to highways under its jurisdiction, may suspend the restrictions imposed by this Section when and where conditions of the highways or the public health, safety, and welfare warrant suspension, and impose the restricted loading requirements of this Section on designated highways at any other time that the conditions of the highway require.
- 11) For the purpose of enforcing this ordinance, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by

weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. The overall gross weight on a group of two or more axles shall be determined by weighing individual axles or several axles, and the total weight of all the axles in the group shall be the overall gross weight of the group.

12) The loading maximum in this subsection applies to the highways under Troy's jurisdiction. The Troy Police Department may designate a highway, or a section of a highway for the operation of vehicles having a gross vehicle weight of up to 80,000 pounds, subject to the following load maximums:

- a) Twenty thousand pounds on any one axle, including all enforcement tolerances.
- b) A tandem axle weight of 34,000 pounds, including all enforcement tolerances.
- c) An overall gross weight of a group of two or more consecutive axles equaling:

$$W = 500 \frac{L}{N-1} + 12N + 36$$

where W = overall gross weight on a group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of two or more consecutive axles, and N= number of axles in the group under consideration; except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds, including all enforcement tolerances. Except for a five axle truck tractor; semi-trailer combinations having two consecutive sets of tandem axels, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of Section 106.11.10 (1), (2), and (3). As used in this Section, "tandem axle weight" means the total weight transmitted to the road by two or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this Section.

13) As used in this section:

- a) "**Agricultural commodities**" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited

to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. The term does not include trees or lumber.

- b) “**Emergency public utility work**” means work performed to restore public utility service or to eliminate a danger to the public due to a natural disaster, an act of God, or an emergency situation, whether or not a public official has declared an emergency.

11.11 **Restrictions on transportation of flammable liquids and gases; violations, penalties; enforcement.**

- 1) A truck pulling a trailer, a truck tractor pulling a semi-trailer and trailer combination, or a truck tractor pulling two semi-trailers shall not transport within the City a flammable liquid, in bulk, with a flash point at or below 70 degrees Fahrenheit.
- 2) A truck pulling a trailer, a truck tractor pulling a semi-trailer and trailer combination, or a truck tractor pulling two semi-trailers shall not transport within the City a flammable gas or a compressed flammable gas, in bulk, as defined by 49 C.F.R. parts 100 to 180.
- 3) A truck or a truck tractor pulling a semi-trailer shall not transport within the City a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit, unless the truck or the semi-trailer has a water capacity of less than 13,800 gallons. This Section does not apply to those vehicles registered with the Motor Carrier Division of the Michigan Department of State Police on or before January 1, 1986.
- 4) A truck or truck tractor pulling a semi-trailer shall not transport within the City a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in a quantity of more than 13, 400 gallons.
- 5) The owner or driver of a vehicle that transports, or a shipper who loads a vehicle with a flammable liquid, flammable gas, or compressed flammable gas in violation of this Section is guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or imprisonment for not more than 90 days, or both.
- 6) This section shall be enforced only by a police officer.
- 7) For the purposes of this section, “in bulk” means an amount of product or material of 3,500 water gallons or more in a single containment system. Commercial motor vehicles transporting hazardous materials shall comply

with the Motor Carrier Safety Act, Act Nol. 181 of the Public Acts of 1963, being sections MCL 480.11 to MCL 480.21 and section 12 of this ordinance.

11.12 **Information to be painted or permanently attached on certain commercial vehicles and towing or platform bed wrecker service vehicles; use of removable devices; effects of compliance with federal identification requirements; exemptions; penalties.**

- 1) All commercial vehicles with a single or combination gross weight rating or total gross weight of more than 5,000 pounds and all towing or platform bed wrecker road service vehicles in operation upon the public highways of the City shall have the name, city, and state or the registered logo or emblem of the registered owner of the vehicle, (and lessee of the vehicle if the vehicle is being operated under lease), painted or permanently attached on each side of the vehicle in letters of not less than 3 inches in height, not lower than the bottom edge of the door. This information shall be in sharp color contrast to the background.
- 2) Except for towing or platform bed wrecker road service vehicles, the identification requirement of Section 106.11.12 (1) may be met through the use of removable devices which meet the requirements. These devices shall be of durable construction and securely attached to each side of the motor truck or truck tractor. The removable devices shall be attached so that the identification is in a horizontal position.
- 3) A vehicle in compliance with the identification requirements of the federal Motor Carrier Safety Regulations, 49 C.F.R. 390-399, is considered to be in compliance with this Section.
- 4) This Section does not apply to a truck eligible for and registered under a farm or manufacturer license plate, that has a gross vehicle weight of less than 10,000 pounds.
- 5) A person who violates this section is responsible for a civil infraction.

11.13. **Stopping vehicles for weighing; offense and penalties.**

- 1) A police officer, having reason to believe that the weight of a vehicle and load is unlawful, may require the driver to stop and submit to a weighing of the vehicle by either portable or stationary scales approved and sealed by the Department of Agriculture as a legal weighing device; and may require that the vehicle be driven to the nearest weigh station of the Michigan Department of Transportation for the purpose of allowing a police officer to determine whether the vehicle is loaded in conformity with this ordinance.
- 2) When a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or

- removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this ordinance. All material unloaded as provided under this subsection shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this Section that are not paid in full immediately or for which a bond is not immediately posted (in double the amount of the civil fine and costs) shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer who determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the City. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded until trial on the merits is completed under conditions set forth in this Section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle, and forwarding, care or preservation of the load shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs and if the civil fine and costs are not paid within 90 days after the seizure, the Court shall certify the unpaid judgment to the Troy City Attorney, who may proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures.
- 3) Subject to Section 106.11.13 (4), an owner of a vehicle, or a lessee of the vehicle, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway, when the weight of that vehicle violates Section 106.11.10, is responsible for a civil infraction and shall pay a civil fine in an amount equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pound; 9 cents per pound for each pound in excess load when the excess if over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess if over 10,000 pounds.
 - 4) If the Court determines that the motor vehicle or the combination of vehicles was operated in violation of this Section, the court shall impose a fine as follows:

- a) If the Court determines that the motor vehicle or the combination of vehicles was operated in such a manner that the gross weight of the vehicle or the combination of vehicles would not be lawful by a proper distribution of the load upon all the axles of the vehicle or the combination of vehicles, the Court shall impose a fine for the violation according to the schedule provided for in Section 106.11.13 (3).
 - b) If the Court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of the vehicles, but that one or more axles of the vehicle exceeded the maximum allowable axle weight by 4,000 pounds or less, the court shall impose a misload fine of \$200.00 per axle. Not more than three axles shall be used in calculating the fine to be imposed under this Section. This Section does not apply to vehicles subject to the maximum loading provisions of Section 106.11.10 (11) or to a vehicle found to be in violation of a special permit issued under Section 106.11.15.
 - c) If the Court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that one or more axles of the vehicle exceeded the maximum allowable axle weight by more than 4,000 pounds, the court shall impose a fine for the violation according to the schedule provided in Section 106.11.12 (3).
- 5) A driver or owner of a commercial vehicle with other vehicles or trailers in combination, a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment, who fails to stop at or bypasses any scales or weighing station, is guilty of a misdemeanor.
 - 6) Reserved.
 - 7) A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so, or who fails to submit to a weighing by a police officer authorized to require the driver to stop and submit to a weighing of the vehicle and load, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both. A driver or person who dumps his or her load when ordered to submit to a weigh, or who otherwise attempts to commit or commits an act to avoid a vehicle weigh is in violation of this Section.

11.14

Axle weight requirements; vehicles equipped with lift axles.

- 1) The axle weight requirements of this ordinance do not apply to a vehicle equipped with lift axles during the period in which axles are raised to negotiate an intersection, driveway, or other turn and until the lift axles are fully engaged after the period of time or the distance necessary to negotiate that intersection, driveway or other turn.

- 2) This section does not exempt axle weight requirements due to a lift axle system that is not working properly or due to driver error or non-compliance.
- 3) If a vehicle is to be weighed to determine whether the vehicle is being operated in violation of this ordinance or a rule promulgated under the Motor Carrier Safety Act, and the vehicle is equipped with lift axles that have been raised to allow the vehicle to negotiate an intersection, driveway, or other turn, the vehicle shall be weighed only after the lift axles have been fully lowered and are under operational pressure as provided in Section 106.11.14 (1). This section does not exempt axle weight requirements due to a lift axle system that is not working properly or due to driver error or non-compliance.
- 4) As used in this section, “lift axle” means an axle on a vehicle that can be raised or lowered by mechanical means.

11.15

Special permits for non-conforming vehicles; applications; farm machinery, telephone, telegraph, or electric poles, concrete pipes, mobile homes.

- 1) Pursuant to MCL 257.725, the Michigan Transportation Department or the Road Commission of Oakland County, upon receipt of a written application and upon good cause being shown, may issue a written special permit, authorizing an applicant to operate upon or remove from a highway maintained by the City, a vehicle or combination of vehicles that are any of the following:
 - a) Of a size, weight, or load exceeding the maximum specified in this ordinance.
 - b) Otherwise not in conformity with this ordinance.
- 2) The special permit application shall be on a form prescribed by the Michigan Department of Transportation or the Road Commission of Oakland County and shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways upon which the special permit to operate is requested.
- 3) The Michigan Department of Transportation or the Road Commission of Oakland County may issue a special permit and charge a fee, which shall not exceed the administrative costs incurred. The special permit can authorize the operation of the following upon a highway:
 - a) Traction engines or tractors having movable tracks with transverse corrugations upon the periphery of those movable tracks on farm tractors.
 - b) Other farm machinery otherwise prohibited under this ordinance.

- 4) A special permit shall specify the trip or trips and date or dates for which it is valid, and the Michigan Department of Transportation or the Road Commission of Oakland County may restrict or prescribe conditions of operation of a vehicle or vehicles, if necessary, to protect the safety of the public or to insure against undue damage to the road foundations, surfaces, structures, or installations, and may require a reasonable inspection fee and other security as set out in MCL 257.725 to compensate for damages caused by the movement. A special permit may be issued on an annual basis.
- 5) A special permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by a police officer. A person shall not violate any of the terms or conditions of the special permit.
- 6) A person who violates this Section is responsible for a civil infraction.
- 7) A person who is issued a special permit to move a mobile home under this section is subject to Section 106.11.5.

11.16

Regulation of highways by City; penalty for violations.

- 1) For highways under the City's jurisdiction, except state trunk line highways, the City may do any of the following:
 - a) Prohibit the operation of trucks or other commercial vehicles on designated highways or streets.
 - b) Impose limitations as to the weight of trucks or other commercial vehicles on designated highways or streets.
 - c) Provide that only certain highways or streets may be used by trucks or other commercial vehicles.
- 2) Any prohibitions, limitations, or truck route designations established under Section 106.11.16 (1) shall be designated by appropriate signs placed on the highways or streets. The design and placement of the signs shall be consistent with the requirements of MCL 257.608.
- 3) A person who violates a prohibition, limitation, or truck route designation established pursuant to section 106.11.16 (1) is responsible for a civil infraction.

11.17

Police officer's authority to enforce ordinance on boundary streets and highways.

Pursuant to MCL 257.726a, a police officer of the City may exercise authority and powers outside his or her own City or County when enforcing this ordinance on a street or highway which is on the boundary of the City or County, the same as if the police officer were in his or her own City and County.

11.18 **Stopping motor vehicles for possible load, weight, or height violations; temporary detention; arrests.**

Any police officer having reason to believe that the load, weight, or height of a vehicle or load is in violation of Section 106.11.4, 106.11.8, 106.11.11 or 106.11.13, and that violation is a misdemeanor, may require the driver of the vehicle to stop, and the officer may investigate, weigh, or measure the vehicle or load. If after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, or height of a vehicle or load are in violation of the requirements of Section 106.11.4, 106.11.8, 106.11.11, or 106.11.13, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check, and may make an arrest for the violation, and may proceed as otherwise provided in this Ordinance.

12.0 **MOTOR CARRIER SAFETY**

12.1 **Title.** This section of Chapter 106 shall be known as the Motor Carrier Safety Ordinance.

12.2 **Adoption of federal regulations; modifications of federal definitions; application of ordinance; definitions.**

- 1) The City of Troy adopts the following provisions of Title 49 of the Code of Federal Regulations, on file with the office of the Michigan Secretary of State and the Troy City Clerk, except where modified by this ordinance:
 - a) Hazardous materials regulations, being 49 CFR parts 100 through 180, except for the transportation of agricultural products (for which an exception from the application of 49 CFR subchapter C and 49 CFR subchapters G and H, part 172, is provided under 49 CFR 173.5), is specifically authorized if the transportation is in compliance with this ordinance and state law.
 - b) Motor carrier safety regulations, being 49 CFR parts 40, 356, 365, 368, 371 through 373, 375, 376, 379, 382, 385, 387, 390 through 393, 395 through 399 including the appendices of each part except for the following:
 - i) Except as provided in this subparagraph, where the term “United States Department of Transportation“, “Federal Motor Carrier Safety Administration“, “Federal Motor Carrier Safety Administrator“, “Director“, “Bureau of Motor Carrier Safety“,

Pipeline and Hazardous Materials Administration”, or “Associate Administrator for Hazardous Materials Safety” appears, it refers to the Michigan Department of State Police or the City of Troy. If the term is being used for purposes of 49 CFR 397 as it relates to routing and movement of hazardous materials, it refers to the Michigan Department of Transportation or the City of Troy.

- ii) Where “inter-state” appears, it shall mean intra-state or inter-state, or both, as applicable, except as specifically provided in this ordinance.
 - iii) Where “Special Agent of the Federal Motor Carrier Safety Administration“, “Administration Personnel”, or “Hazardous Materials Enforcement Specialist” appears, it either means a police officer or an enforcement member of the Motor Carrier Division of the City.
 - iv) Where MCS 63 appears, it means MC 9 and MC 9b.
 - v) Where MCS 64 appears, it means UD-70.
 - vi) Exempt intra-City zones and the regulations applicable to exempt intra-City zones do not apply to this ordinance.
- 2) This ordinance does not apply to a bus operated by a public transit agency operating under any of the following:
- a) A county, city, township, or village as provided by law or other authority incorporated under 1963 PA 55, MCL 124.351 to MCL 124.359. Each authority and governmental agency incorporated under 1963 PA 55, MCL 124.351 to MCL 124.359, has the exclusive jurisdiction to determine its own contemplated routes, hours of service, estimated transit vehicle miles, costs of public transportation services, and projected capital improvements or projects within its service area.
 - b) An authority incorporated under the Metropolitan Transportation Authorities Act of 1967, 1967 PA 204, MCL 124.401 to MCL 124.426, or an authority that operates a transportation service pursuant to an inter-local agreement under the Urban Cooperation Act of 1967, 1967(Ex Sess.) PA 7, MCL 124.501 to MCL 124.512.
 - c) A contract entered into pursuant to 1967 (Ex Sess.) PA 8, MCL 124.531 to MCL 124.536 or 1951 PA 35, MCL 124.1 to MCL 124.13.
 - d) An authority incorporated under the Public Transportation Authority Act, 1986 PA 196, MCL 124.451 to MCL 124.479, or a nonprofit corporation organized under the Nonprofit Corporation Act, 1982 PA

162, MCL 450.2101 to MCL 450.3192, that provides transportation services.

- e) An authority financing public improvements to transportation systems under the Revenue Bond Act of 1933, 1933 PA 94, MCL 141.101 to MCL 141.140.
- 3) As used in this ordinance:

“Hazardous material vehicle inspection or repair facility” means a commercial enterprise that performs inspections, certification, testing, or repairs to commercial motor vehicles transporting hazardous materials as required by 49 CFR parts 100 to 180 and includes motor carriers that perform the inspections, certification, testing, or repairs to vehicles owned or leased by the motor carrier.

12.3 **Operation of commercial motor vehicle; requirements; qualifications for operation in intra-state transportation.**

- 1. A person shall not drive a commercial motor vehicle unless he or she is qualified to drive that vehicle. A motor carrier shall not require or permit a person to drive a commercial motor vehicle unless that person is qualified to drive that vehicle.
- 2. In the case of intra-state or intra-city transportation, a person is qualified to drive a commercial motor vehicle if he or she meets all the requirements of 49 CFR part 391, except the following provisions:
 - a) Except as otherwise provided in this subdivision (b), the person is at least 18 years old when transporting intra-state or intra-city property or passengers.
 - b) The person is at least 21 years old when transporting hazardous materials in a quantity that requires the vehicle to be marked or placarded under 49 CFR parts 100 to 180.
 - c) The person is eligible for and displays a grandfather rights card issued in accordance with the Motor Carrier Safety Act, MCL 480.11, et. seq.

12.4 **Trailers; equipment with surge brakes.** Trailers with a gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less or trailer-vehicle combinations with an actual gross vehicle weight or a gross vehicle weight rating of 26,000 pounds or less may be equipped with surge brakes for intra-state and intra-city operations as allowed by section 705(1)(c) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.705.

12.5 **Application of ordinance to drivers for intra-state or intra-city motor carriers regularly employed for period beginning on or before June 10, 1984;**

application of certain requirements of ordinance to all drivers granted grandfather rights; duration of grandfather rights; application of exemption.

The provisions of this ordinance and 40 CFR 391.21, adopted by reference, relating to the applications for employment, 49 CFR 391.23, adopted by reference, relating to investigations and inquiries, and 49 CFR 391.31 and CFR 391.33 adopted by reference, relating to road tests, do not apply to a driver who has been a regularly employed driver of an intra-state or intra-city motor carrier of property for a continuous period which began on or before June 10, 1984, as long as he or she continues to be a regularly employed driver of that motor carrier or a driver who has been a regularly employed driver of an intra-state or intra-city motor carrier of passengers for a continuous period which began on or before March 3, 1991, as long as he or she continued to be a regularly employed driver of that motor carrier. Such a driver is qualified to drive a commercial motor vehicle if he or she fulfills the requirements of section 12. 2 (d) (2).

12.6

Application of ordinance to operation of farm vehicles, implements of husbandry, public utility vehicles, government vehicles, combinations of vehicles, school buses, motor buses, and commercial vehicles engaged in seasonal construction-related activities; definitions.

- 1) In the case of intra-state or intra-city transportation, the provisions of 49 CFR 391.21, adopted by reference, relating to application for employment, 49 CFR 391.23, adopted by reference, relating to investigations and inquires, 49 CFR 391.31, adopted by reference, relating to road tests, 49 CFR part 395, adopted by reference, relating to hours of service, 49 CFR 391.41 to 391.45, adopted by reference, to the extent that they require a driver to be medically qualified or examined and to have a medical examiner's certificate on his or her person and the provisions of this ordinance relating to files and records do not apply to a farm vehicle driver as defined in 49 CFR 390.5, adopted by reference.
- 2) For intra-state or intra-city transportation, the provisions of this ordinance do not apply to a self-propelled implement of husbandry or an implement of husbandry being drawn by a farm tractor or another implement of husbandry.
- 3) The provision of this ordinance related to driver qualifications do not apply to public utility, telephone, and cable television company service employees if those employees are not otherwise being used as a regularly employed driver and are not operating a vehicle that meets the definition of a commercial motor vehicle in 49 CFR part 383.
- 4) The requirements of 49 CFR part 395 do not apply to any driver of a public utility service vehicle when being used in cases of emergency. As used in this subsection, "emergency" means any instance of loss of public utility service due to an unforeseen circumstance, a natural disaster, or an act of God. A declaration of emergency by a public official is not required to constitute an emergency under this subsection.

- 5) A commercial motor vehicle constructed and maintained so that the body chassis or other parts of the vehicle afford the rear end protection required by 49 CFR 393.86 is in compliance with that section.
- 6) This ordinance and the rules promulgated under the federal regulations which are adopted by reference do not apply to a commercial motor vehicle owned and operated by a unit of government or its employees, except as otherwise provided by this ordinance, and except for all of the following parts of 49 CFR:
 - a) Part 382.
 - b) Part 391.
 - c) Part 392.
 - d) Part 393.
- 7) A combination of vehicles with an actual combination gross vehicle weight or a gross combination weight rating of 26,000 pounds or less, provided the trailer or semitrailer has an actual gross vehicle or gross vehicle weight rating of 15,000 pounds or less, may be equipped with surge brakes for intra-state and intra-city operation as allowed by section 705 (1) (c) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.705. Vehicles of any size that are transporting hazardous materials in an amount that requires placarding or vehicles that are designed to transport more than 8 passengers, including the driver, are prohibited from being equipped with surge brakes for intra-state and intra-city operation.
- 8) This ordinance and the rules promulgated under the federal regulations which are adopted by reference do not apply to a school bus as defined in the Pupil Transportation Act, 1990 PA 187, MCL 257.1801 to MCL 257.1877, or a bus defined and certified under the Motor Bus Transportation Act, 1982 PA 432, MCL 474.101 to MCL 474.141.
- 9) As used in Section 106.12 (3) and (4), “public utility” means a person or corporation operating equipment or facilities for producing, generating, transmitting, delivering, or furnishing gas or electricity for the production of light, heat, or power for the public for compensation.
- 10) As used in this section:
 - a) “**Implement of husbandry**” means that term as defined in section 21 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.21.
 - b) “**Farm tractor**” means that term as defined in section 16 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.16.

12.7 **Submission of transportation safety related documents by motor carriers and hazardous materials vehicle inspection and repair facilities to motor carrier officers; facsimile of motor carrier division identification card; inspection of cargo or vehicle without warrant by motor carrier officer.**

- 1) Motor carriers shall submit, upon demand, all their transportation safety related documents, such as all records and information pertaining to any accident, drivers' records of duty status, bills of lading, shipping records, driver time and payroll records, driver qualification records, vehicle maintenance records, and equipment for inspection or copying during regular business hours to any Troy motor carrier enforcement police officer.
- 2) Hazardous materials vehicle inspections and repair facilities shall submit, upon demand, all their transportation safety related documents as required by this ordinance, such as hazardous materials tank certification and repair documents, and annual inspection certification documents to any Troy motor carrier enforcement police officer.
- 3) A motor carrier or a hazardous material vehicle inspection or repair facility operating within the City with main offices in another city, state or province shall submit all transportation safety related documents as outlined in Section 106.12 (1) for inspection and copying within 10 working days after receiving formal notification requesting the documents.
- 4) A Troy motor carrier enforcement police officer, may without a warrant, require the cargo carrying portion of a vehicle to be opened for inspection of the cargo, any object within that portion of the vehicle, or the interior of the vehicle or any compartment within the interior of the vehicle. If a commercial motor vehicle is inspected by breaking the load seal, then the police officer shall give to the driver a signed receipt of inspection and the police officer shall be responsible for applying a City of Troy seal.

12.8 **Penalties for violations of ordinance or rules; warrantless stops and investigations of motor vehicles; issuance of citations; enforcement of federal or foreign out-of-service orders; penalties for violations of out-of-service orders.**

- 1) Except as provided in Sections 106.12.10, 106.12.11 and 106.12.12, any person, driver, or motor carrier, as defined by 49 CFR 390.5, who violates this ordinance or a rule adopted by reference under this ordinance, or permits or requires any person to violate this ordinance or a rule adopted by reference under this ordinance, is responsible for a civil infraction and may be ordered to pay a fine of not more than \$250.00 for each violation.
- 2) A Troy motor carrier enforcement police officer, with probable cause to believe that a motor vehicle is being operated in violation of this ordinance or a rule adopted by reference under this ordinance, may stop the motor vehicle and

inspect the motor vehicle. If a violation is found, the officer may issue a notice to appear for that violation.

12.9 **Adoption by Reference of Rules Promulgated by the Michigan Department of State Police.**

Any rules promulgated by the Michigan Department of State Police necessary to the accomplishment of purposes of the Motor Carrier Safety Act, 1963 PA 181, MCL 480.11, et. seq. are hereby adopted by reference, as amended.

12.10 **Penalties; “serious safety defect” defined.**

- 1) A driver, person, or motor carrier, as defined by 49 CFR 390.5, who operates or who requires or permits the driver to operate a commercial motor vehicle with a serious safety defect in violation of this ordinance or a rule adopted by reference under this ordinance, is responsible for a civil infraction and shall be assessed a fine of not more than \$500 for each violation. A fine ordered to be paid by the district court under this Section shall be paid to the Court and the Court shall apply the fines to the City and the State for library purposes, as provided by law.
- 2) As used in this Section, “serious safety defect” means a violation of this ordinance or a rule adopted by reference under this ordinance relative to brakes, tires, steering, coupling devices, headlights, taillights, brake lights, and turn signals that results in the vehicle being placed out of service.

12.11 **Offenses relating to operating or requiring or permitting operation of commercial motor vehicle in violation of provisions of ordinance or rules related to transportation of hazardous materials; penalties.**

- 1) A person who operates or who requires or permits a person to operate a commercial motor vehicle in violation of this ordinance or a rule adopted by reference under this ordinance related to the transportation of hazardous materials, if the vehicle is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180, is responsible for a civil infraction and may be ordered to pay a fine of not more than \$500.00 for each violation.
- 2) A person or entity identified in Section 106.12.10 (1) who knowingly or willfully violates this ordinance or a rule adopted by reference under this ordinance is, upon conviction, guilty of a misdemeanor punishable by imprisonment of not more than 90 days or a fine of not more than \$500.00, or both, for each violation.
- 3) A person or entity identified in Section 106.12.10 (1), who causes injury or death during a violation of this ordinance, while a vehicle identified in subsection (1) that is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180 is, upon conviction, guilty of a

misdemeanor punishable by imprisonment of not more than 90 days or a fine of not more than \$500.00, or both, for each violation.

- 4) An officer, employee, owner, or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of any hazardous materials vehicle inspection or repair facility that violates a section of this ordinance, or a rule adopted by reference under this ordinance, related to the transportation of hazardous materials, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, for each violation.

12.12

Issuance and contents of compliance and shut down orders; penalties for failure to comply with shut down orders.

- 1) As used in this section:
 - a) “Immediate destination” means the next scheduled stop of a commercial vehicle already in motion where the cargo on board can be safely secured.
 - b) “Motor carrier division” means the motor carrier division of the Michigan State Police and/or the City of Troy.
 - c) “Person” means an individual, driver, or employee or a firm, motor carrier, lessee, lessor, association, partnership, or corporation, and their affiliated or related successors, that undertakes to control, direct, conduct, or otherwise perform transportation by commercial motor vehicle upon the public highways of this city.
 - d) “Shut down order” means a court order issued to the Troy police department motor carrier enforcement division upon proof shown of unreasonable risk or an imminent hazard.
 - e) “Unreasonable risk or an imminent hazard” shall be defined as any condition of commercial motor vehicle, employee, or commercial motor operation which creates, causes, or compounds the substantial likelihood that death, serious illness, or severe personal injury may occur if not discontinued immediately.
 - f) Upon determination that the continued operation of commercial motor vehicles by a person upon the highways of this City and State poses an unreasonable risk or an imminent hazard to the public safety, the motor carrier division of the Troy Police Department shall issue a compliance order. The order may direct a person to make certain changes, repairs, or alterations to the person’s vehicles or operations, to comply with the laws of the City and the State of Michigan. In making an order, restrictions shall not be imposed on any employee or person beyond that

required to abate the hazard. Any vehicle or driver operating during the specified time period of the order shall be in compliance with all applicable laws and rules.

- g) A compliance order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, and the requirements or conditions that must be met for rescission of the order. The order shall also include a statement that the person has a set time limit to comply with the order. If the set time limit expires and the person is not in compliance with the order, the motor carrier division of the Troy Police Department may seek a shut down order from the 52-4 District Court. The Motor Carrier Division of the Troy Police Department shall set the time limit for compliance, with the compliance order to be not less than 30 days and not more than 180 days.
- h) Upon petition to the 52-4 District Court by the motor carrier division of the Troy Police Department, the court may issue a shut down order. The order shall direct a vehicle or vehicles or employee or employees out of service from further operations, or shall direct a person to cease all or part of the person's commercial motor vehicle operation. In making such an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard.
- i) A shut down order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, the requirements or conditions that must be met for rescission of the order, and a statement of the right of appeal.
- j) An order to any person to cease all or part of its operation shall not prevent vehicles in transit at the time the order is served from proceeding to their immediate destinations, unless that vehicle or person is specifically ordered out of service. However, vehicles and drivers proceeding to their immediate destination shall be subject to compliance upon arrival.
- k) A person who fails to comply with a shut down order is guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 for each violation, or by imprisonment for not more than 90 days, or both. A person or vehicle found operating on the highway of this City while under a shut down order shall be immediately stopped, and impounded or arrested. The owner or lessee of the vehicle shall be responsible for any costs incurred during impoundment. The vehicle shall be released upon the Court's determination that there is compliance with the order.

12.13. **Venue of prosecutions under this ordinance.** When this ordinance or a rule adopted by reference under this ordinance has been violated, the offense may be prosecuted in the 52-4 District Court if the motor vehicle, driver or operator

implicated was situated in or passed through the City when the offense was committed.

12.14 **Incidents involving transportation of hazardous materials; notification of state police and fire department.** Immediately following any of the following occurrences involving the transportation of hazardous materials, the owner, driver, or lessee, or representative of the owner, driver, or lessee, shall notify the motor carrier division of the Department of State Police, the motor carrier division of the Troy Police Department and the Troy Fire Department of the known details regarding the incident.

12.15 **Vehicle combination transporting combustible liquids; requirements; information required to be on file; retention and transfer of information; applicability of requirements in subsections (2) and (3); transport of flammable liquids, gases, or compressed gases. by vehicle combinations, equipment requirements; retention of records regarding devices; compliance with other requirements by motor vehicles transporting flammable liquids or gases.**

- 1) A truck tractor pulling a semi-trailer and a trailer, or pulling 2 semi-trailers, shall not transport a combustible liquid unless the vehicle combination meets the following requirements:
 - a) Is equipped with a device that restricts the horizontal and vertical rotation of the dolly assemblage of the vehicle combination in a manner that maintains the longitudinal tracking of the dolly and semi-trailer in a truck, tractor, semi-trailer, and trailer combination, or the dolly and the truck in a truck and trailer combination. This device shall be welded to the vehicle in a workmanlike manner, and the efficiency of a weld shall not be less than 85% of the mechanical properties of the adjacent metal in the chassis.
 - b) Is equipped with stops in the spring hangers of each semi-trailer and trailer in the vehicle combination in a manner that improves the stability of the vehicle combination by reducing the free play of the leaf spring suspension to a maximum of $\frac{3}{4}$ of an inch when the spring passes from tension to compression.
- 2) The owner of the semi-trailer or trailer to which the device described in Section 106.12.15 (1) is attached shall keep on file in their principal place of business the following information:
 - a) Specifications and plans of the device.
 - b) Name of the manufacturer of the device.
 - c) Date of installation of the device

- d) An individual manufacturer identification number which is stamped or permanently affixed to the device.
- 3) The information required in subsection (2) shall be kept by the vehicle's owner and shall be transferred to the new owner if the vehicle is sold, or may be destroyed if the vehicle is retired from service or scrapped.
- 4) The requirements specified in Section 106.12.15 (2) and (3) apply to devices affixed to vehicles on or after January 8, 1996.
- 5) Commercial motor vehicles used to transport flammable liquids, flammable gases, or compressed flammable gases shall also comply with Section 106.11.11 of this ordinance.

12.16

Adoption or enforcement of inconsistent ordinance or resolutions; disposition of fines for operation of vehicles with serious safety defects; issuance of multiple citations within 24-hour period for violation of provisions substantially corresponding to MCL 257.683 to MCL 257.725a; dismissal of City citations upon production of proof of repair of equipment violations; requirements for classification as motor carrier enforcement officer.

- 1) This ordinance shall not be amended by the City of Troy to adopt or enforce provisions which are inconsistent with the Motor Carrier Safety Act, being MCL 480.11, et. seq. As used in this section, "inconsistent means a provision or rule that is more permissive or more restrictive than the Motor Carrier Safety Act, or that would require more action, equipment, or permits than required by the Motor Carrier Safety Act, or that prevents or obstructs compliance with the Motor Carrier Safety Act.
- 2) The fine for operating a vehicle with a serious safety defect, which is ordered to be paid under this ordinance or a resolution adopted by the City of Troy that is consistent with Section 106.12.10, shall be paid as follows:
 - a) Seventy percent to the City of Troy.
 - b) Thirty percent for library purposes, as provided by law.
- 3) Section 106.12.15 (2) does not apply to a fine ordered to be paid for a case in which the citation is dismissed, as set forth below.
- 4) The owner or operator of a commercial motor vehicle shall not be issued more than one citation for each violation of the provisions of this ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to 683 to 725a of the Michigan Vehicle Code, 1949 PA 300, MCL 257.683 to MCL 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation by the City of Troy for an equipment violation that does not result in the vehicle being

placed out of service, the court shall dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof of the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

- 5) In order to be classified as a motor carrier enforcement officer, a Troy police officer must have training equal to the minimum training requirements, including any annual training updates, established by the Michigan Department of State Police for an officer of the motor carrier division of the Michigan Department of State Police. A police officer who has received training equal to these minimum training requirements before the effective date of this ordinance is considered a motor carrier enforcement officer for purposes of the Michigan Motor Carrier Safety Act and this ordinance.

12.17

Transfer of hazardous materials on highways, roads, streets, or alleys; overfilling of containers during transfers; penalties.

- 1) Except as provided in Section 106.12.17 (2), a person, driver, owner, carrier, lessee, or lessor shall not transfer or allow to be transferred a hazardous material from a cargo tank, portable tank, or any other container to any cargo tank, portable tank, fuel tank, or any other container on a highway, road, street, or alley within the City.
- 2) Section 106.12.17 (1) does not apply to the following transfer situations:
 - a) Fueling machinery or equipment for construction, farm, and maintenance use.
 - b) Fueling emergency vehicles.
 - c) Under emergency conditions, a transfer may be made provided it is approved by the Troy Fire Chief, or his/her designee and the Bureau of Fire Service created in section 1b of the Fire Prevention Code, 1941 PA 207, MCL 29.1b, or a hazardous materials investigator of the motor carrier division of the Michigan Department of State Police pursuant to their respective authority under the Fire Prevention Code, 1941 PA 207, MCL 29.1 to MCL 29.34.
- 3) A person shall not overfill a container, including a storage tank, during a transfer of a hazardous material from or into a vehicle, so that hazardous material is released from the package or container.
- 4) The penalty for violating this section is as prescribed in Section 106.12.11.

12.18.

Transportation or allowance of transportation of vehicle carrying hazardous materials on publicly maintained route.

- 1) A person, driver, owner, carrier, lessee, or lessor shall not transport or allow to be transported a vehicle carrying hazardous materials in an amount required to be placarded under title 49 of the Code of Federal Regulations

on a publicly maintained route as identified on the national hazardous materials route registry as determined by the United States Department of Transportation under title 49 CFR.

- 2) The penalty for violating this section shall be as prescribed in Section 106.12.11.

12.19

Enforcement of civil infractions; procedure for provision of security and appearance by nonresidents stopped for civil infractions; disposition by police officers at end of tour of duty of certificates or deposits of money taken as security for appearance; entry of default judgment and forfeiture of posted certificate or deposit.

- 1) A civil infraction action shall be enforced in the manner provided for enforcement under this Chapter.
- 2) When a person who is not a resident of the State of Michigan is stopped for a civil infraction in the City of Troy, the police officer making the stop may take security for the nonresident's appearance in court. The person stopped may recognize to the officer or to the court for his or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed \$100.00.
- 3) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the civil infraction alleged. If the nonresident defendant requests a hearing, the hearing shall be scheduled and the defendant shall leave with the court the guaranteed appearance certificate or deposit as security for appearance at the scheduled informal or formal hearing.
- 4) The officer receiving a guaranteed appearance certificate or deposit of money shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited together with the written citation.
- 5) At or before the completion of his or her tour of duty, a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money and the citation either to the court named in the citation or to the police chief or person authorized by the police chief to receive certificates or deposits. The police chief or person authorized by the police chief shall deposit the certificate or the money deposited and the citation with the court. Failure to deliver the money deposited shall be embezzlement of public money.
- 6) If the person who posts a certificate or deposit fails to appear as required in the citation or fails to appear for a scheduled informal or formal hearing, the district court shall enter a default judgment against the person, and the

guaranteed appearance certificate or money deposit shall be forfeited and applied to any civil fine or costs ordered.

- 7) For purposes of this Section, “guaranteed appearance certificate” means a card or certificate containing a printed statement that a surety company authorized to do business in Michigan guarantees the appearance of the person whose signature appears on the card or certificate and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed \$200.00.

12.20

Prevention of throwing of water or other road surface substances from rear wheels of vehicles or combinations; use of flaps. A truck, truck tractor, trailer, semi-trailer, or any combination of these, when used on a highway, shall be constructed, equipped, or operated to prevent water or other road surface substances from being thrown from the rear wheels of the vehicle or combination at tangents exceeding 22 ½ degrees measured from the road surface. If a flap type device is used, it shall not have attached any type of lamp, breakable reflective material, or reflecting buttons nor may the device extend beyond the maximum width of the vehicle or combination.

(05-10-2010)